

ACTS

OF THE

General Assembly of Alabama,

PASSED AT THE

SESSION OF 1880-81.

HELD IN

THE CITY OF MONTGOMERY,

COMMENCING 20. TUESDAY IN NOVEMBER, 1880

*RUFUS W. COBB, Governor,
JOHN D. RATHER, President of Senate
N. H. R. DAWSON, Speaker of House.*

MONTGOMERY, ALA.:

ALFRED A. DUNN, STATE PRINTERS,
1881.

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LAWS OF ALABAMA.

No. 1.]

AN ACT

[H. B. 654.

To fix the rate of taxation in this State.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That on all property liable to taxation in this State, there shall be assessed and collected a tax of six Taxation six and one-half-tenths of one per cent. and one-half-tenths of one per centum.

Approved February 26, 1881.

No. 2.]

AN ACT

[H. B. 462.

To amend section 371 of the Code.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section 371 of the Code be and the same is so amended as to read as follows, viz :

§ 371. "*Valuation of real and personal property.*"—

Real and personal property shall be estimated at its value in money, according to the best judgment that the assessor can form, upon information, inspection, or otherwise, taking into consideration, if realty, its location, whether in town, city or country, its proximity to local advantages, its quality of soil, growth of timber, mines, minerals or quarries, or coal beds, and the amount and character of improvements; and the value of the mineral and timber interests, where they have become separate and distinct by reason of a sale thereof to parties not owning a title in the lands themselves, shall be separately assessed.

Real and personal property to be estimated at money value and mineral and timber interests which are a sale from ownership of land to be separately assessed.

Approved December 8, 1880.

To amend section 376 of the Code of Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That Section 376 of the Code of Alabama be so amended as to read as follows, to-wit:

§ 376. *Tax payer to render list and assessor to value in certain cases.*—It shall be the duty of each person liable to taxation in each election precinct, upon notice given by the assessor as hereinafter provided, to attend at the time and place designated in such precinct, and render to the assessor, in writing, a complete list of all the items, and the value of each item, upon which he is liable to be taxed, and all real property by township, range and section, or subdivisions of sections, from which list the assessor shall make out the assessments, and the tax payer shall subscribe an affidavit, thereon that such assessment contains a correct list of all his taxable property, to the best of his knowledge and belief. If the assessor shall ascertain that any property so returned has been recently sold, or would sell for a greater sum than that given in such return, he shall put the valuation thereof at the market price; but the valuation made by the tax payer shall in no case prevent the assessor from determining the true value of any item of taxable property therein contained, by inspection, by other evidence, or other information as to the true value thereof. And when the assessor raises the valuation of any property given in by the tax payer he shall notify him of the fact before making his return to the judge of probate.

Tax payer to render list of property.

Assessor in cases where property is believed to be returned at too small valuation to increase it.

Approved December 8, 1880.

Entitled An act to amend subdivision six of section 362 of the Code.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That subdivision six of section 362 of the Code of Alabama be, and the same is, hereby amended

so as to read as follows, to-wit: "6." All salaries, gains, incomes and profits for the preceding year in excess of the actual expenses incident to the office, business or pursuit out of which such salary, gains, incomes and profits are derived, and the expenses of living during the year to the extent of eight hundred dollars.

Salaries, gains,
&c., in excess of
expenses. \$800
taxed.

Approved March 1, 1881.

No. 5.]

AN ACT

[H. B. 401.

To amend subdivision four of section 362 of the Code of Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That subdivision 4 of section 362 of the Code of Alabama be so amended as to read as follows, to-wit:

"4." All stocks of goods, wares and merchandise to be assessed upon the largest amount on hand at any one time during the preceding year; and this shall include all merchandise kept on plantations for sale, or to be dealt out to laborers for profits, and any goods, wares or merchandise offered for sale by any person commencing business subsequent to the first day of January of the current tax year, shall become at once liable to the tax levied herein, and must be estimated upon the maximum amount thereof, but in no case shall the amount of such valuation be less than the highest amount of insurance held on said goods, wares or merchandise at any one time, during said preceding year, and the person insuring such goods shall be, and is, hereby required to submit to the tax assessor for his inspection the policy or policies of insurance which such person has taken out on such goods for the year for which such assessment is made, if demanded by him.

How stocks of
goods and
wares must be
assessed.

Approved February 28, 1881.

No. 6.]

AN ACT

[H. R. 643.]

To declare void and of no force the sales of land made by the tax collectors in this State previous to 1876, where such lands were bid in for the State, and have not been redeemed by the owners or other persons entitled under the laws of this State to redeem such lands, or that have not been sold or transferred by the State under any law governing the sale or transfer of land sold for taxes, and to remise, release and quit-claim all the title of the State therein to the owner thereof.

All sales of land for taxes previous to 1876, bought by State where lands not redeemed, declared null and void and of no force.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the sales of land made by the tax collectors in this State previous to 1876, for unpaid taxes, where such lands were bid in for the State and have not been redeemed by the owner or other person entitled under any law of this State to redeem such lands, or where such lands have been by the State sold or transferred under laws governing such sales or transfer to other persons, are hereby declared void and of no force and effect, and the State hereby remises, releases and quit-claims unto the owners of such lands all of its right, title and interest in and to such lands.

Approved March 1, 1881.

No. 7.]

AN ACT

[H. R. 13.]

To amend section 413 of the Code.

Duty of Tax collector to assess all property which escaped assessor.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section 413 of the Code of Alabama be, and the same is, hereby amended so as to read: "*Assessment report and entry of escaped taxes.*"—It is the duty of the tax collector while engaged in the collection of taxes, to assess every person who, and all property which, has escaped the tax assessor, "and the probate judge shall cause all such assessments to be entered in the back part of the books of assessment for each year," and to collect the taxes due from such person, and on such property, and to report the same under

oath to the probate judge, who shall forthwith certify the amount collected, and the articles of property so assessed, to the State Auditor and to the court of county commissioners, and the tax collector shall be chargeable with the same, to the amount of the taxes due the State and county, respectively, and the tax collector shall have the same authority to administer oaths and propound questions, as the tax assessor has in similar cases, and any party refusing or failing to answer such questions, or to give in his property, shall be liable to the same penalties as provided in cases where parties fail or refuse to give in their property to the tax assessor, or answer the questions required to be propounded by the tax assessor.

Parties failing to answer questions propounded to them punishable as for refusing to answer oaths.

Approved December 8, 1880.

No. 8.]

AN ACT

[B. H. 407.

To provide for taxing shares of the Capital Stock of National Banking Associations.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That there shall be levied and collected on the value of each share of every national banking association located within this State, whether held by residents or non-residents of the State, the same rate of taxation as is levied on other moneyed capital, the same to be assessed and collected in the county where each such association is located, and not elsewhere, and to be paid by each such association for the shareholders thereof.

National Bank stock taxed at same rate as other property.

SEC. 2. *Be it further enacted,* That there shall be assessed and collected in any county where such association is located, upon each share of the capital stock of such association, which has escaped taxation, for any preceding year since 1874, the same rate of taxation, State and county, as was in each year assessed and collected upon other moneyed capital; and the same may be paid by each such association for the shareholders thereof, and if not so paid the shares standing in the names of the shareholders, may be sold for the payment thereof, in the same manner as other personal

As to escaped taxation since 1874.

property is liable to be sold for non-payment of taxes; *Provided*, That neither the tax collector nor assessor shall, under the head of escaped taxation, assess or collect for State, county or municipal taxation, the shares of such national banks as have paid the taxes for each year assessed against them under the act approved February 27, 1875, as the same is embodied in subdivision 7 of section 369 of the Code.

Repealing
clause.

Sec. 3. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be, and the same are, hereby repealed.

Approved December 8, 1880.

No. 9.]

AN ACT

[S. 311.]

To amend paragraph 6 of section 358 of the Code.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That paragraph six of section three hundred and fifty-eight of the Code be so amended as to read as follows:

Section so
amended.

6. From poll tax, all persons proved to be permanently disabled whose taxable property does not exceed five hundred dollars, and members of incorporate volunteer fire companies in active service, in any city, town or municipality.

Approved March 1, 1881.

No. 10.]

AN ACT

[H. R. 332.]

To regulate the collection of the poll tax in this State.

Probate Judge
to make out
statement of
polls assessed.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That it shall be the duty of the probate judge of each county in this State to make out in duplicate, on blank forms to be furnished by the State Superintendent of Education, a full and complete statement of the polls assessed in his county, under the laws in force in this State, one of which statements shall be forwarded to the State Superintendent of Education within ten

days after the adjournment of the term of the court of county commissioners or board of revenue, as the case may be, at which the regular assessment of taxes for the county shall have been acted on and passed upon. The probate judge shall also forward to the State Superintendent of Education such supplemental assessments of polls as may be made by the tax assessor, and also the tax collector's assessment of poll taxes.

SEC. 2. *Be it further enacted*, That it shall be the duty of the State Superintendent of Education to debit the tax collector of the county from which such assessments shall be reported to him, with the amount of amounts of said poll tax assessments, and require and supervise the collection of the same, and he shall give credits to the tax collector for all poll tax moneys paid by said collector to the county superintendent of education, in the same manner, and under the same forms and regulations as are now required by law, and the tax collector is hereby required to make his final settlement of the said poll tax fund on, or before, the first day of May of each year, with the State Superintendent of Education, who shall allow to the collector, as credits on such settlement, out of the poll tax fund, the commissions fixed by law for the assessment and collection of the poll tax.

SEC. 3. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act, and all parts of section 434 of the Code of Alabama, which relate to the subject of poll tax, be, and the same are, hereby repealed.

Approved March 1, 1881.

No. 11.]

AN ACT

[§. 183.

For the better protection of the State in the payment of fees of Sheriffs for feeding prisoners.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That when a prisoner is committed to any jail of this State, it shall be the duty of the sheriff, in person, or by deputy, to report in writing to the clerk of the city or circuit court of the county in which

State Supt. of Education shall give credit to Tax Collectors for poll tax moneys paid to county treasurers.

Tax Collectors to make final settlement with State Superintendent.

Sheriff reports to clerk of city or circuit court name of person committed to jail and also discharged.

such jail is, within ten days next succeeding such commitment, the name of such prisoner, the day of his entering such jail, and by what authority, and upon what charge committed, and whenever a prisoner is discharged from, or otherwise leaves such jail, the sheriff shall so report to such clerk, within two days next succeeding, the name of such prisoner, and by what authority and when he so left, or was discharged.

Reports laid
before county
commissioners.

SEC. 2. *Be it further enacted*, That it shall be the duty of the clerk to lay such reports before the court of county commissioners of such county, at each regular term thereof.

Court of county
commissioners
to certify to ac-
count of sheriff.

SEC. 3. *Be it further enacted*, That each account due a sheriff for feeding prisoners shall be made out by him in duplicate, and sworn to, and must show the name of each prisoner, the date of his commitment and discharge, release or escape, the crime with which charged, the judgment rendered, the date of the issue of the execution, if against the prisoner for costs, and the date and nature of the return, and if any prisoner therein named has escaped, it shall be so stated. (He shall present to the court of county commissioners of the county in which such jail is, at each regular term thereof, such duplicate account for fees falling due since the last term thereof.) It shall be the duty of such court to examine carefully into the correctness of such account, comparing it with the reports filed by the clerk, and summoning and examining witnesses in regard to the same, if in the judgment of the court it is necessary. If the court finds such account correct, it shall endorse such finding upon each copy thereof; if incorrect in any particular, it shall state it in its endorsement, such particular. Such endorsement shall be signed by the presiding officer of said court, and shall be *prima facie* evidence of the truth of the matters therein stated. One of such duplicate accounts so endorsed and the reports so filed shall remain on file among the papers of said court of county commissioners. The other duplicate account so endorsed shall be delivered to the sheriff, and shall, with such endorsement, be copied by him, within five days after receiving the same, in a book to be kept in his office as one of the public records thereof, to be delivered by him to his successor.

SEC. 4. *Be it further enacted*, That it shall be the duty of the sheriff to deliver such book to the foreman of the grand jury of the circuit or city court of such county upon the first day of each term thereof, and it shall be the duty of the grand jury to enquire into the correctness of such accounts as may have been so made out since the preceding term.

Grand jury to examine same.

SEC. 5. *Be it further enacted*, That it shall not be lawful for the Auditor to issue his warrant for the payment of any account of sheriffs for feeding prisoners without the presentation of such account so endorsed by the court of county commissioners.

Auditor to draw warrant only on favorable report of county commissioners.

SEC. 6. *Be it further enacted*, That any sheriff failing to comply with the provisions of this act, as to any prisoner in his custody, shall receive no pay for feeding such prisoner. Any sheriff failing to keep the book and make entry therein, as provided by this act, shall be guilty of a misdemeanor. Any sheriff who shall knowingly receive from this State for feeding a prisoner, or prisoners, any sum of money to which he is not lawfully entitled shall be punished as if he had stolen the same.

Penalty for not complying with foregoing sections.

SEC. 7. *Be it further enacted*, That no prisoner shall be regarded as insolvent without the return of "no property" upon execution issued against him, in the particular case, and no execution shall be so returned within less than thirty days from the time it goes into the hands of the sheriff.

As in return of executions against prisoners.

Approved February 22, 1881.

No. 12.]

AN ACT

[H. B. 749,

To regulate the compensation of Sheriffs for the removal of prisoners.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That for removing prisoners under order of a circuit or city judge, upon removal of trial, or when arrested and confined in jail in a county other than that in which he is triable, the sheriff shall receive for every twenty miles of the distance between the places from and to which the removal is made—com-

Fees of sheriff for removal.

puted at the shortest distance between the two places by any route usually traveled—two and a half dollars for himself, two dollars for each guard, and one dollar and twenty-five cents for the prisoner.

How paid.

Sec. 2. *Be it further enacted*, That the fees herein provided shall be paid by the defendant, on conviction, and by the State, if he is acquitted or insolvent; *Provided*, That no allowance shall be made for any guard in any case hereinbefore mentioned, unless the circuit or city judge making the order of removal shall set forth in such order that, upon investigation, he believes the guard to be necessary; and such order shall also designate the number of such guard allowed—in no case to exceed two for each prisoner.

Duty of sheriff when prisoner is confined in jail of a county other than county in which he is triable.

Sec. 3. *Be it further enacted*, That whenever any person charged with the commission of a crime, in any county of this State, shall be arrested and confined in jail in a county other than that in which he is triable, it shall be the duty of the sheriff or jailor of the county in which such person is arrested and confined, at once to notify the sheriff of the county in which he is triable, and upon the reception of such notice it shall be the duty of the sheriff to apply to the judge of the circuit court, or the judge or the city of criminal court in his county, for an order to remove such person so arrested and confined to the jail of his said county.

Repealing clause.

Sec. 4. *Be it further enacted*, That all laws and parts of laws providing for compensation of sheriffs on removal of prisoners under order of circuit or city judge, upon removal of trial, or when arrested and confined in jail in a county other than that in which he is triable, heretofore enacted, be, and the same are, repealed.

Approved March 1, 1881.

No. 13.]

AN ACT

[H. R. 944.]

To increase temporarily the salaries of the Judges of the Supreme Court of Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the salary of each Judge of the Supreme Court of Alabama shall be three hundred dollars per month instead of the salary fixed by the existing law, until the end of the first regular session of the next General Assembly of this State; and that this increase of salary shall terminate at the end of said next regular session.

Salary of
Judges of
Supreme Court.

Approved March 1, 1881.

No. 14.]

AN ACT

[S. 324.]

To authorize the Librarian to employ an assistant.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the Marshal and Librarian be authorized to employ an assistant in the library of the Supreme Court during the session of the Legislature and of the Supreme Court.

Marshal and
Librarian au-
thorized to em-
ploy an assist-
ant.

SEC. 2. *Be it further enacted,* That said assistant shall receive for his services one dollar and fifty cents a day during his actual employment, and at the end of each month the Librarian shall certify to the Auditor the fact that such assistant has been employed during the preceding month, and the Auditor shall thereupon draw his warrant on the Treasurer for the amount for such assistant; *Provided,* That not exceeding three hundred dollars shall be expended under this act in any one year.

Approved March 1, 1881.

No. 15.]

AN ACT

[s. 360.

To refund the money obtained from certain persons under license laws of this State.

Newspaper li-
cense for 1875
to be refunded.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That whereas, the revenue laws of 1868 required a license of ten dollars for the State, and ten dollars for the county, on each newspaper, other than religious, agricultural or scientific, and the same was repealed by the act of 19th March, 1875, after a number of the proprietors of newspapers had taken out license for that year, it shall be the duty of the State Auditor for the State, and of the county treasurer for the county, to refund to the proprietors of such newspapers, or their duly authorized representatives, the amount of money so paid by them, on the presentation to each officer of the certificate of the probate judge that such license was paid.

Approved February 23, 1881.

No. 16.]

AN ACT

[H. B. 403.

To amend section 380 of the Code.

President and
secretary of
railroads must
make annual
returns.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section 380 of the Code be so amended as to read as follows: That the president and secretary of every railroad company whose track or road bed, or any part thereof, is in this State, shall annually, in the month of April, return to the Auditor of the State, under their oaths, the total length of said railroad and the value thereof, including the right of way, road bed, side track and main track in this State, distinguishing the total length and value thereof in each county, city and incorporated town in this State. They shall also make return of the number and value of their locomotive engines, passenger, freight, platform construction, and other cars, and of the largest amount and value of all merchandise and supplies kept and carried on trains for sale for profit by such companies to employees or other persons in this State, for the year next preceding

the return required by this section, and the value thereof shall be apportioned by the Auditor *pro rata* to each mile of the main track; and the Auditor of the State shall notify the assessors of each county through which said railroad runs of the number of miles of track and value thereof, and the proportionate value of the personal property taxable in their respective counties, and to such value thus apportioned the assessor shall add the value of all other real property, together with all fixtures, machinery, tools and other property within their respective counties, and upon the value thus ascertained, taxes shall be assessed the same as upon the property of individuals, and any agent of said company is authorized to pay such tax to the collector and retain the amount out of any money in his possession belonging to such railroad, and the provisions of this section shall apply to every person or company owning or using, or having in possession, any of the property hereinbefore described, and to all such property so used or possessed and known as rolling stock of rail roads.

Auditor apportion-
tione taxes pro
rata.

Approved February 28, 1881.

No. 17.]

AN ACT

[N. B. 306.]

To provide for the payment of costs and expenses incurred in suits brought to protect the title and interest of the State in the swamp and overflowed lands, and timber thereon.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That all costs now due the officers of the court, and the expenses incurred by the sheriff, or other officers, in preserving and protecting property claimed by the State, in all suits commenced and prosecuted by the direction of the Governor of this State, or the Commissioner of the Swamp and Overflowed Lands, under the authority vested in him by law, shall be, and are, hereby created a charge upon the fund arising from the sales of the swamp and overflowed lands.

Costs due
charged upon
swamp and
overflowed
land land.

Accounts to be
approved by
circuit judge.

SEC. 2. *Be it further enacted*, That the costs and expenses claimed by such officers shall be first made out and presented in an itemized account to the judge of the court in which such suit is brought, and when the same is approved by such judge and presented to the Auditor he shall audit the same, and draw his warrant for the payment thereof by the Treasurer out of any such fund which may be in current money in the treasury; *Provided*, That the only officers of court entitled to be paid under this act are Wm. H. Gasque, judge of probate, and Wm. H. McDavid, ex-sheriff of said county.

Approved February 14, 1881.

No. 18.]

AN ACT

[H. B. 666.

To provide for the repairing and refurnishing the capitol, and for the necessary work on the same and on the grounds.

Appropriation
made.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the sum of six thousand dollars is hereby appropriated, in addition to any unexpended balances of appropriations for the same purpose, to be paid out of any money in the treasury, not otherwise appropriated, for repairing and refurnishing the capitol, and for necessary work about the fences and grounds; *Provided*, That the first application of the fund be made to the re-covering of the capitol.

Work by direc-
tion of the Gov-
ernor.

SEC. 2. *Be it further enacted*, That everything done under this act shall be at the discretion of the Governor and under his direction, and all bills therefor shall be paid upon his approval.

Contracts to
lowest bidder.

SEC. 3. *Be it further enacted*, That all contracts for repairs to be done, or furniture bought, or any work performed under the provisions of this act, shall be let out by the Secretary of State to the lowest and best bidder, subject to approval of the Governor.

SEC. 4. *Be it further enacted*, That in advertising for bids, and in making and entering into contracts provided for by this act, the rules and regulations of section 74 of the Code of 1876 shall apply and control

so far as they may not be inconsistent with the other provisions of this act.

Approved March 1, 1881.

No. 19.]

AN ACT

[H. B. 416.

To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for interest on the public debt, and for the public schools.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the following sums of money, or so much of each sum as may be necessary, be, and they are, hereby appropriated for the purposes hereinafter specified, to be paid out of any moneys in the treasury not otherwise appropriated, for the fiscal years ending respectively September 30, 1881, and September 30, 1882, to-wit:

Appropriations
for fiscal years
ending Sept.
30, 1881, and
Sept. 30, 1882.

1. For salary of the Governor, three thousand dollars for each year.

Salaries of
State officers.

2. For salary of the Secretary of State, eighteen hundred dollars for each year.

3. For salary of the State Auditor, eighteen hundred dollars for each year.

4. For salary of the State Treasurer, twenty-one hundred dollars for each year.

5. For salary of the Attorney General, fifteen hundred dollars for each year.

6. For salary of the Superintendent of Education, twenty-two hundred and fifty dollars for each year.

7. For salary of the Governor's private Secretary, fifteen hundred dollars for each year.

8. For salary of the Governor's Recording Secretary \$125 per month, while in actual service as such, not to exceed \$1,000 per annum.

9. For pay of one clerk in the Secretary of State's office, fifteen hundred dollars for each year.

Salaries of
clerks.

10. For pay of one clerk in the Auditor's office, fifteen hundred dollars for each year.

11. For pay of one clerk in the Treasurer's office, fifteen hundred dollars for each year.

12. For pay of one clerk in the office of the Superintendent of Education, fifteen hundred dollars for each year.
13. For pay of temporary clerks in the executive offices, four thousand dollars for each year.
14. For pay of messenger, in the executive offices, three hundred dollars for each year.
15. For pay of two servants in the executive offices, and one servant for the Supreme Court, nine hundred dollars for each year.
16. For pay of one keeper of the capitol, one hundred and fifty dollars for each year.
17. For pay of two watchmen in the capitol, eighteen hundred dollars for each year.
18. For salary of one Chief Justice and two Associate Justices of the Supreme Court, nine thousand dollars for each year.
19. For salary of the Marshal of the Supreme Court and Librarian, fifteen hundred dollars for each year.
20. For pay of the Reporter of the Supreme Court, nine hundred dollars for each volume reported by him and published.
21. For pay of the Secretary of the Chief Justice of the Supreme Court, fifteen hundred dollars for each year.
22. For salaries of eight circuit court judges, twenty-two hundred and fifty dollars for each, for each year.
23. For salaries of the three chancellors, twenty-two hundred and fifty dollars for each, for each year.
24. For per diem and mileage of Senators and Representatives in the General Assembly, pay of officers and employees of the Senate and of the House of Representatives, and incidental expenses of the session of 1880-81, fifty thousand dollars.
25. For distributing the acts and the journals of the session of 1880-81, and Codes and other public documents, six hundred dollars a year, for each year.
26. For fuel and lights in the capitol, fifteen hundred dollars for the present year, and twelve hundred dollars for the next year—in all twenty-seven hundred dollars.
27. For insurance on the capitol, furniture therein, and library, eight hundred dollars for each year.

Watchmen and servants.

Salaries of judges and chancellors.

Pay of members of the General Assembly.

Distributing Acts and Journals.

Fuel and lights.

Insurance.

28. For stationery and postage for the executive departments, three thousand dollars for each year. Stationery and public printing.

29. For public printing and binding, including the reports of heads of departments, State institutions, Supreme Court decisions, and geological survey, for the year 1880-81, fifteen thousand dollars, and for the year 1881-82, seven thousand five hundred dollars.

30. For arrest of absconding felons, twenty-five hundred dollars for each year. Arrest of felons.

31. For removal of prisoners, two thousand dollars for each year. Feeding and removing prisoners.

32. For feeding prisoners in the county jails, fifty thousand dollars for each year.

33. For the pay of officers and inspectors of the penitentiary, seven thousand dollars for each year.

34. For interest on the University Fund, twenty-four thousand dollars for each year. For educational purposes.

35. For the public schools, one hundred and thirty thousand dollars for each year.

36. For interest on the sixteenth section fund, valueless sixteenth section fund, and surplus revenue fund, for the public schools, one hundred and forty-one thousand dollars for each year, or so much thereof as may be necessary to pay the said interest at the rates fixed by law.

37. For interest on the bonded debt for the year ending September 30, 1881, two hundred and fifty thousand dollars, and for the year ending September 30, 1882, three hundred and thirty-five thousand dollars. Interest.

38. For incidental and contingent expenses, ten thousand dollars for each year. Contingent fund.

39. For compensation of the Secretary of the Senate, and the Clerk of the House of Representatives, for filing and arranging the papers of their respective houses in the Secretary of State's office, and copying and indexing the journals of their respective houses, four hundred dollars each. Secretary of Senate and Clerk of the House.

40. For interest on bonds held by the Agricultural and Mechanical College, twenty thousand two hundred and eighty dollars for each year. A. and M. College.

And whereas, the General Assembly will not again be in regular session until after the close of the fiscal year ending September 30, 1882; therefore—

SEC. 2. *Be it further enacted*, That the appropriations hereinbefore made in this act for the fiscal year ending September 30, 1882, be, and the same are, hereby renewed and continued in force until January 1, 1883; and,

For session of
Legislature of
1882-3

SEC. 3. *Be it further enacted*, That the per diem and mileage of Senators and Representatives, pay of officers and employes of the Senate and House of Representatives, and incidental expenses of the session of the General Assembly for 1882-83, the sum of fifty thousand dollars, or so much thereof as may be necessary before the passage of an appropriation bill at that session, is hereby appropriated. *Provided*, That nothing herein contained shall be deemed an amendment or repeal of any law now in force, nor shall any appropriation herein made be construed to be in addition to appropriations for the same purposes, or any of them, made by separate acts heretofore or hereafter passed at this session of the General Assembly.

Approved December 8, 1880.

No. 20.]

AN ACT

[H. R. 734.]

For the relief of maimed soldiers.

Preamble.

WHEREAS, there are now resident in this State a large number of men, who, while in the military service of this State, or the Confederate States, suffered bodily mutilation, who are thus impaired in their capacity to make a livelihood for themselves and families; and whereas, they are cut off from any assistance by the laws and policy of the General Government,

Residents of
this State who
lost a leg or an
arm or been
materially dis-
abled in mili-
tary service of
this State or
Confederate
States entitled
to benefits of
this Act and
must make ap-
plication to
Probate Judge
within six months.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That any resident of this State, who, while in the military service of this State, or of the Confederate States, lost an arm or a leg, or has been materially disabled by wounds received in such service, shall be entitled to the benefits of this act as hereinafter provided; and any such resident, who desires to avail himself of the provisions of this act must, within six months after the passage of this act, present a written application to the judge of probate of the county wherein he

may reside, that he held citizenship in this State at the time he rendered such military service; that he was a resident of the State at the time of the passage of this act, and is such resident at the time he makes such application, setting forth the company and regiment to which he belonged, the time and place of receiving his wound, what benefit he has received under any former act, and his present business and employment, which statement must be sworn to before such judge of probate; the original of any such application shall be kept by the judge of probate as an office paper, and a copy thereof transmitted without delay to the Auditor, with a certificate by the judge that he believes the statement therein made entitled to credit.

Sec. 2. *Be it further enacted*, That on receipt of any such copy and certificate as aforesaid, it shall be the duty of the Auditor to immediately register a synopsis of the same, with the name of the applicant, in a book to be kept for that purpose, and at the expiration of six months and twenty days, after the passage of this act, the Auditor must draw separate warrants on the Treasurer, payable to the order of such applicant, for a sum not to exceed the sum of seventy-five dollars for each applicant; *Provided*, That those applicants who have never received any benefits under any former act, shall have the preference, and shall be entitled to a *pro rata* share of the sum hereinafter appropriated, not to exceed thirty dollars and twelve cents each, before those applicants who have received benefits under former acts shall be entitled to anything; *Provided further*, That after such preference shall be carried out, the balance of the sum hereinafter appropriated shall be divided *pro rata* among all those who received an arm or leg, and by reason of the unfitness of the same, or the nature of their wound, received no substantial benefit therefrom, also all those entitled under the first section of this act or any former act, not to exceed seventy-five dollars. But in no event shall any person who has received benefits under any former act in excess of the amount allowed to each person by this act, other than those who received an artificial leg or arm, under the act of 19th February, 1867, and who have received no substantial advantage therefrom, as heretofore declared, or who was not a citizen of this State at the time the

Applicants who have never received benefits of former Act to be first provided for under this.

military service was rendered, as well as at the time this act was passed, and the application for benefit made, receive anything on such *pro rata* distribution, until all persons entitled to the benefits of this appropriation shall have been equalized; *Provided still further*, That any balance of the sum heretofore appropriated and not necessary to carry out the provisions of this act, shall be returned to the treasury. It shall be the duty of the Auditor to transmit such warrant to the probate judge of the county in which such applicant resides.

Swearing
falsely made
punishable as
perjury.

SEC. 3. *Be it further enacted*, That any applicant under this act who shall swear falsely to any material matter set forth in his application, shall be guilty of perjury.

Fifteen thousand
dollars appropriated.

SEC. 4. *Be it further enacted*, That to carry into effect the provisions of this act, there be and is hereby appropriated the sum of fifteen thousand dollars.

Approved March 1, 1881.

No. 21.]

AN ACT

[H. R. 307.

To pay T. W. Francis & Co., for the carpet on the floor of the House of Representatives.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the Auditor is hereby authorized and required to draw his warrant on the Treasurer of this State for the sum of five hundred and fifty-one dollars, in favor of T. W. Francis & Co., of the city of Montgomery, for the carpet on the floor of the House of Representatives, and shall take and file a receipt of the said T. W. Francis & Co., for the same.

Approved December 8, 1880.

No. 22.]

AN ACT

[§. 263.]

To authorize an investigation of the claim of the executrix of the estate of Edmund M. Hastings, deceased, late Receiver of Public Moneys at Montgomery, in Montgomery county, against the State, and the payment thereof, if found to be a valid obligation against the State.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the Governor, Auditor and Attorney General are hereby authorized and required to investigate the claim of S. E. Hastings, executrix of the estate of Edmund M. Hastings, deceased, late Receiver of Public Moneys at Montgomery, Alabama, against the State of Alabama, for moneys paid into the treasury by said Receiver, and which he was afterward compelled to pay to the United States; and if, upon said investigation, it is found that said claim, or any part thereof, is a valid obligation upon the State, the Governor shall draw his warrant upon the Treasurer for the amount found to be due, not including interest and cost, in favor of said executrix, to be paid out of any moneys in the treasury not otherwise appropriated.

Approved March 1, 1881.

Governor, Auditor and Attorney General investigate the claim.

No. 23.]

AN ACT

[§. 252.]

For the relief of John B. Shields, of Walker county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the Auditor be and is hereby authorized and required to draw his warrant on the Treasurer for one hundred and ninety dollars, in favor of John B. Shields, which said amount shall be paid out of any money in the treasury not otherwise appropriated, to pay to said John B. Shields the amount expended by him in his contest for the seat of J. C. Hutto in the House of Representatives, as a member from the county of Walker, in the General Assembly of 1877-8.

Amount of claim.

Approved March 1, 1881.

No. 24.]

AN ACT

[H. B. 146.]

For the relief of Robert Q. Prior, as late tax collector of Perry county, Alabama.

Preamble.

WHEREAS, Robert Q. Prior, as late tax collector of Perry county, Alabama, deposited, as said tax collector, in the Perry Insurance and Trust Company, for safe keeping, during the first half of the year 1875, the sum of \$115 59, of taxes belonging to the State of Alabama, and shortly thereafter, said Perry Insurance and Trust Company failed, whereby said Robert Q. Prior was compelled to make up said loss for the State, out of his own funds; and whereas, said Perry Insurance and Trust Company, at the time of said deposit, was doing a large banking business, and was then regarded as a safe depository for public, as well as private funds, and had been for many years a depository of the public funds of said county; and whereas, said sum was deposited in good faith by Robert Q. Prior, as such tax collector, and was lost without any fault or neglect of said Robert Q. Prior; now, therefore, in consideration of the premises—

Amount.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the Auditor of the State of Alabama, be, and he is, hereby authorized to draw his warrant on the State Treasurer in favor of Robert Q. Prior, for the sum of eighty dollars and eighty-three cents (\$80 83).

Approved February 28, 1881.

No. 25.]

AN ACT

[S. 123.]

For the relief of Martin and Clarke, of Calhoun county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the Auditor be, and is, hereby authorized and required to draw his warrant on the Treasurer of the State for the sum of three hundred and seventy-five dollars, in favor of Martin and Clarke, of Calhoun county, for money expended by them for

the State in bringing back from Virginia one Johnson, a fugitive from justice from said county.

Approved February 28, 1881.

No. 26.]

AN ACT

[H. R. 473.]

To pay W. J. B. Padgett and Robert Hasson, doorkeepers of the Senate and House of Representatives, respectively, for certain articles furnished the Senate and House of Representatives, and for repairs.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the Auditor be, and he is, hereby required to draw his warrant on the Treasurer, in favor of W. J. B. Padgett, doorkeeper of the Senate, for the sum of sixty-two and 20-100 dollars (\$62 20), to pay for certain articles furnished the Senate, as shown by the account as follows: Jas. Hale, \$18 00; B. L. Wyman, \$2 20; A. Ohlander, \$18 00; O. Stoelker, \$1 50; J. R. Wing, \$10 50; G. B. Manley, \$12 00; and the said Auditor be, and he is, hereby authorized and required to draw his warrant on the Treasurer, in favor of Robert Hasson, doorkeeper of the House of Representatives, for the sum of ninety-nine 75-100 dollars, (\$99 75), to pay for certain articles furnished the House, and for repairs, as follows: Account of Aug. Ohlander and Jones, \$10 00; Francis, Cobbs & Co., \$37 50; James Hale, \$27 00; Richard Worth, 25 cents; J. R. Wing, \$25 00; and the said W. J. B. Padgett, doorkeeper of the Senate, and the said Robert Hasson, doorkeeper of the House, must take and file the receipts of the said parties with the Auditor.

Approved December 8, 1880.

No. 27.]

AN ACT

[§. 373.]

To provide for the payment of the joint committee of the two Houses, appointed to enquire into the treatment of convicts employed in the mines, and on the convict farms, and in other places in this State.

Amount appropriated.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the sum of four hundred and ninety dollars be, and the same is, hereby appropriated, out of any moneys now in the treasury, not otherwise appropriated, for the payment of the expenses of the joint committee of the two houses appointed to enquire into the treatment of convicts employed in the mines, and on the convict farms, and other places in this State; and it is hereby made the duty of the Auditor of the State to draw his warrant on the Treasurer of the State for the amount above named, payable to James B. Luckie, chairman of said committee.

Approved February 19, 1881.

No. 28.]

AN ACT

[H. B. 651.]

For the relief of George W. Chambers, late County Treasurer of Talladega county.

Proviso.

WHEREAS, It has been shown to this General Assembly, that George W. Chambers, late treasurer of Talladega county, during his term of office, collected the sum of two thousand one hundred and ninety-eight dollars, for State tax on license, and the sum of nine thousand nine hundred and nine 48-100 dollars of the school fund belonging to said county, all of which he paid over to the proper officers without retaining the commissions allowed him for said services; therefore—

Amount.

Now paid.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the Auditor be, and he is, hereby authorized and required to draw his warrant on the Treasurer in favor of George W. Chambers, for the sum of one hundred and ninety-nine 61-100 dollars, one hundred 52-100 dollars of which to be taken out of any funds

in the treasury not otherwise appropriated, and the balance, ninety-nine 9-100 dollars out of the school fund appropriated by the State for Talladega county; said sums respectively being the amounts of commissions due him for said services as collector; *Provided*, That the State Auditor shall find the said appropriation to be due said Chambers.

Approved March 1, 1881.

No. 29.]

AN ACT

[H. R. 250.]

To provide for additional accommodation for the Insane of Alabama.

WHEREAS, There are now in this State a large number of insane persons who, on account of the inadequate room in the hospital for the insane at Tuscaloosa, are not only deprived of the humane care and medical treatment afforded in such institution, but are confined in the jails of the different counties; therefore—

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an additional building be erected by the State for the accommodation of the insane of Alabama, and that the same be situated on the grounds of the insane hospital at Tuscaloosa.

Additional building for Insane people, to be erected at Tuscaloosa.

SEC. 2. *Be it further enacted*, That the resident Trustees of the insane hospital, with the superintendent thereof, be and are hereby constituted a building commission with full powers to select the exact site, and to adopt plans, designs and specifications, and make all necessary contracts and agreements for the erection of the said additional building.

Trustees made building committee.

SEC. 3. *Be it further enacted*, That the said commission shall investigate, as far as practicable, all the modern improvements in hospital buildings and appointments for the care and cure of the insane before entering into a contract for the construction of the said additional building.

To investigate all modern improvements.

SEC. 4. *Be it further enacted*, That the sum of one hundred thousand dollars be, and the same is, hereby appropriated by the State for the construction of the said additional building, and for furnishing the same

One hundred thousand dollars appropriated.

for the use and accommodation of the aforesaid insane persons.

One fourth annually. SEC. 5. *Be it further enacted,* That not exceeding one-fourth of the sum hereby appropriated shall be drawn out of the State treasury in any one year.

Quarterly reports made by committee. SEC. 6. *Be it further enacted,* That the said building commission shall be required to make quarterly reports to the State Auditor, to-wit: On the first days of January, April, July and October of each year, while the said building is in process of construction, embracing an accurate statement of their receipts and disbursements and of the progress of the work under their direction.

All beds present Alabama insane hospital. SEC. 7. *Be it further enacted,* That the additional building herein provided for shall constitute a part and portion of the present Alabama insane hospital, and shall be under the control of the trustees and superintendent in charge without additional compensation.

Money, how drawn. SEC. 8. *Be it further enacted,* That on application by the board of trustees, stating that any designated amount of the sum appropriated by this act is then needed for the purposes of this appropriation, the Governor shall issue an order to the Auditor requiring him to draw his warrant on the Treasurer of the State in favor of the treasurer of the institution for the amount indicated; *Provided,* That it shall be made to appear to the said Governor that said treasurer has given a separate bond for the safe keeping and disbursement of said fund in a sum sufficient to cover any amount likely to be in his hands at any one time.

Approved February 26, 1881.

No. 30.]

AN ACT

[H. R. 208.

To amend an act to amend section 274 of the Code.

Section amended. SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section one of an act to amend section 274 of the Code of Alabama, approved February 12, 1879, be, and the same is, hereby amended so as to read as follows:

§ 274. The ballot must be a plain piece of white

paper, without any figures, marks, rulings, characters or embellishments thereon, not less than two and one-half inches, nor more than three inches in width, and not less than five nor more than ten inches in length, on which must be written or printed, or partly written and partly printed, only the names of the persons for whom the elector intends to vote, and must designate the office for which each person so named is intended by him to be chosen; and any ballot otherwise than described is illegal and must be rejected; *Provided*, That no ballot shall be rejected as illegal by reason of the abbreviation of the names of the persons voted for, nor by the use of numerals as abbreviations, nor by reason of the erasure of one or more names, and the insertion of other names, if what is meant by the ballot appear from its face, nor shall any ballot be rejected as illegal by reason of its non-conformity to the prescribed dimensions, if it reasonably appear that the elector had no intent to violate the statute.

Approved March 1, 1881.

No. 31.]

AN ACT

[§. 104.

To amend section 2468 of the Code.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section two thousand four hundred and sixty-eight of the Code of Alabama be, and the same is, hereby amended so as to read as follows:

§ 2468 (2006).—*Conveyance not made until payment of the purchase money is complete.*—After such confirmation, and when the whole of the purchase money has been paid by the purchaser, or any person holding under him, on the application of such purchaser, or such person holding under him, or that of the executor or administrator, the court must order a conveyance to be made to such purchaser by such executor or administrator, or such other persons as the court may appoint, conveying all right, title and interest which the decedent had in such lands at the time of his death, and such order shall operate to vest the title of the decedent in such purchaser.

When conveyance must be made

Approved March 1, 1881.

No. 32.]

AN ACT

[S. 438.

To amend subdivision three of section 2830 of the Code.

Section as
amended.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That subdivision 3 of section 2830 of the Code be amended so as to read as follows, viz: That the same is, in the belief of the affiant, invalid in part, or excessive, specifying the property alleged to be in excess, and in all cases to be the last named in the claims, the substance of which affidavit shall be endorsed on the process, and if the property proposed to be levied on be personal property, the plaintiff, his agent or attorney, must execute to the defendant, whose property is proposed to be levied, if such property is found to be exempt, a bond with good and sufficient security conditioned to pay the defendant all such damages as he shall sustain by reason of said levy and seizure, to be approved by the officer who is to make the levy, in a penalty which shall be fixed by such officer at double the value of the property so proposed to be seized.

Approved March 1, 1881.

No. 33.]

AN ACT

[S. 447.

To amend section 4203 of the Code.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section 4203 of the Code of Alabama be, and the same is, hereby amended so as to read as follows, to-wit:

Section as
amended.

§ 4203. *Using abusive, obscene or insulting language, in or near dwelling, in presence or hearing of females, or members of family.*—If any person enters into or goes sufficiently near to the dwelling house of another, and in the presence or within the hearing of the family of the occupants thereof, or any member of his family, or in the presence or hearing of any female, and makes use of abusive, insulting or obscene language, he shall be deemed guilty of a misdemeanor, and must, on conviction thereof, be fined not more than one hundred dol-

lars, and may also be imprisoned in the county jail, or sentenced to hard labor for the county, for not more than thirty days, at the discretion of the jury trying the same.

Approved March 1, 1881.

No. 34.]

AN ACT

[H. R. 209.]

To amend section 2681 of the Code.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 2681 of the Code of Alabama be amended so as to read as follows:

§ 2681. A probate judge issuing a license to marry, contrary to the provisions of this article, forfeits five hundred dollars, one half to the State and the other half to the party who may sue for the same; *Provided*, That in case where the forfeiture is claimed by reason of the minority of either of the parties to whom such license has been issued, if the party whose minority is alleged present at the time of the application for license such a personal appearance as would reasonably lead to the conclusion that such party is of the age required by law, and, in addition thereto, make and subscribe an affidavit that the applicant, or applicants, are, if male, over twenty-one, and if female, over eighteen years of age, such judge may, upon the trial, give these facts in evidence before the jury to excuse or justify the issuance and defeat the forfeiture.

Penalty for issuing license contrary to this Act.

SEC. 2. *Be it further enacted*, That nothing in this act contained shall affect the liability of probate judges incurred for the issuance of licenses before the passage hereof.

SEC. 3. *Be it further enacted*, That section 2681 as it now stands in the Code, and all laws in conflict herewith, be, and the same are, hereby repealed.

Approved March 1, 1881.

No. 35.]

AN ACT

[H. R. 590.

To amend section 2222 (1613) of the Code of Alabama, and to amend an act entitled "An act to amend section 2223 of the Code of Alabama," approved December 3, 1878.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section 2222 (1613) of the Code of Alabama, be so amended as to read as follows:

Satisfaction of mortgage to be entered in the record.

§ 2222 (1613). *On payment of the debt, satisfaction to be entered on the record of the mortgage.*—Any mortgagee, transferee, or assignee, of such mortgage, who has received satisfaction of the amount secured by such mortgage, must, if the same has been recorded, at the request of the mortgagor, enter satisfaction upon the margin of the record thereof, which operates as a release of such mortgage and a bar to all actions thereon.

SEC. 2. *Be it further enacted,* That an act entitled "An act to amend section 2223 of the Code of Alabama," approved December 3, 1878, be so amended as to read as follows:

Penalty for refusal.

§ 2223 (1614). *Penalty for refusal to enter satisfaction.*—Any mortgagee, transferee or assignee of such mortgage, who fails either in person or by attorney, for three months after such payment and request, to make such entry, forfeits to the party aggrieved two hundred dollars, unless at the time of such request, or within said three months, there shall be a pending suit between said parties involving whether such mortgagee, transferee, or assignee, has received satisfaction of such mortgage; *Provided,* That such request shall be in writing.

SEC. 3. *Be it further enacted,* That said sections 2222 and 2223 of the Code, as they now stand in the Code, and said act as approved December 3, 1878, be, and the same are, hereby repealed.

Approved March 1, 1881.

No. 36.]

AN ACT

[H. B. 293.]

To amend section 3866 of the Code.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section 3866 of the Code of Alabama be, and the same is, hereby amended so as to read as follows:

No decree must be rendered in favor of the complainant in such attachment until he has paid the debt for which he is liable as the surety endorser, accommodation maker, drawer or acceptor of the defendant; but the creditor may intervene in such suit, and decree may be rendered in his favor when the debt has not been paid by the complainant, and in any cause now or hereafter pending, in which the original complainant, the surety, has died, not having paid the debt, and his personal representative has neglected or refused, or may neglect or refuse, to revive the same, the creditor may intervene and prosecute the same in his own name to final decree. And if the creditor should fail in said suit, he shall be liable for the costs thereof as if he had been the original complainant.

No decree to be rendered in favor of a complainant as surety or endorser unless he has paid the debt.

Approved March 1, 1881.

No. 37.]

AN ACT

[H. B. 560.]

To amend section 1544 of the Code of Alabama, so far as the same relates to the counties of Blount, Cullman, Cleburne, Washington, Coosa, Autauga, St. Clair, Elmore, Marshall, Dale and Chilton.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section 1544 of the Code, "so far as the same relates to the counties of Blount, Cullman, Cleburne, Washington, Coosa, Autauga, St. Clair, Elmore, Marshall, Dale and Chilton," be amended so as to read as follows: Section 1. *Recommendation necessary to obtain license.*—No license must be granted to sell vinous or spirituous liquors, unless the applicant produce to the judge of probate of his county, or the person authorized by law to grant such license, the recom-

Conditions on which license to sell liquor can be granted

men-
dation of a majority of the householders and a majority of the freeholders residing in the election precinct where such person desires to sell such vinous or spirituous liquors.

Person apply-
ing for license
must furnish
evidence to
Probate Judge.

Sec. 2. *Be it further enacted*, That the person presenting the recommendation referred to in section 1 of this act, shall furnish satisfactory evidence to the judge of probate, or to the person authorized by law to grant such license, that the signatures to said recommendation are genuine, and that said signers are resident householders and freeholders of the election precinct in which such applicant proposes to sell such vinous or spirituous liquors.

As to incorpo-
rated towns or
cities of over
5,000 inhabi-
tants.

Sec. 3. *Be it further enacted*, That in incorporated cities or towns of over three thousand inhabitants, no license must be granted to sell vinous or spirituous liquors, unless the applicant produce to the judge of probate of his county, or to the person authorized by law to grant such license, the recommendation of ten respectable freeholders and householders of said city or town, stating that they are acquainted with him, that he is possessed of a good moral character, and is in all respects a proper person to be licensed; *Provided*, That the provisions of this act shall not apply to Blount Springs, in Blount county.

Approved March 1, 1881.

No. 38.]

AN ACT

[S. 108

To amend sections 1400 and 1401 of the Code.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That sections 1400 and 1401 of the Code be, and the same are, hereby amended so as to read as follows:

Fee of pilot
in Mobile bay.

§ 1400 (1146). *Outer bay pilots deliver letters to vessels coming in*.—It is the duty of every outer bay pilot to deliver to the master of any and every vessel approaching the bay or harbor of Mobile, as soon as he can board such vessel, all letters which may be sent to him for that purpose, on the person who requires the delivery of such letters paying or securing to the

pilot twenty dollars for such service, unless the pilot so employed to deliver letters is engaged as pilot for the vessel, in which event he is entitled to five dollars for the service.

§ 1401 (1147). *Rates of Pilotage.*—The master, owner or consignee of any ship or vessel must pay the pilot who conducts a vessel into or out of the bay or harbor of Mobile, at the following rates for the actual draft of water at the time of pilotage, viz: On every vessel crossing the outer bar of Mobile bay, drawing not more than ten feet water, two dollars and fifty cents per foot; on every vessel drawing more than ten feet and not exceeding twelve feet water, two dollars and seventy-five cents per foot; on every vessel drawing more than twelve feet water and not exceeding fourteen feet, three dollars per foot; and on all vessels drawing more than fourteen feet water, four dollars and fifty cents per foot; on all vessels crossing Dog river bar, of whatever draft of water, one dollar and fifty cents per foot, and if such vessels proceed to or from the city of Mobile *via* of Spanish river, two dollars per foot.

Sec. 2. *Be it further enacted*, That sections 1400 and 1401, as they have heretofore stood in the Code, be and they are hereby repealed.

Approved March 1, 1881.

No. 39.]

AN ACT

[§. 214.

To repeal section 1698 of the Code, and the penalties fixed for a violation of the same.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 1698 of the Code be, and the same is, hereby repealed, together with all penalties fixed for violation of said section; *Provided, however*, that the repeal of this section shall in no wise affect suits now pending under this section.

Approved March 1, 1881.

No. 40.]

AN ACT

[H. R. 744.]

To amend section 4215 of the Code of Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section 4215 of the Code of Alabama be amended so as to read as follows:

Solicitor
may
summon
witnesses
in term
time or
vacation.

Solicitor authorized to summons witnesses in vacation or term time.—Solicitors of the circuit or county courts have authority, and it is their duty in term time or in vacation, to issue a summons for any person whom they may desire to appear before the grand jury to give evidence of any violation of the law.

Approved March 1, 1881.

No. 41.]

AN ACT

[S. 308.]

To amend section 2711 (2376) of the Code.

Separate estate
of wife liable in
certain cases.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section 2711 (2376) of the Code be amended so as to read as follows: § 2711 (2376). For all contracts for articles of comfort and support of the household suitable to the degree and condition in life of the family, and for which the husband would be responsible at common law, and for reasonable attorneys' fees for services rendered for the benefit of such estate, and for tuition of the children of the wife, the separate estate of the wife is liable to be enforced by action at law against the husband alone, or against the husband and wife jointly, and in the event of the death of the wife, the same may be enforced against the personal representative, and if the husband be dead said action may proceed against the wife alone, as and in the same manner as if she had contracted as a *feme sole*. If the action is against the husband alone, and if it be shown to the court that he resides out of the State, or if against the husband and wife jointly, and they or either of them reside out of the State, the court at the return term of the suit must direct the clerk to cause a notice of the suit to be advertised for three successive weeks in a newspaper

published nearest to the court house of such county where such order is obtained, and a copy to be sent to the post office, when known, or, when it can be ascertained, nearest to the residence of such non-resident defendant, and the cause shall proceed as if summons and complaint had been served on the defendants.

Approved March 1, 1881.

No. 42.] AN ACT [S. B. 213.

To repeal section 1697 of the Code, and the penalties fixed for a violation of the same.

SECTION. 1. *Be it enacted by the General Assembly of Alabama*, That section 1697 of the Code be, and the same is, hereby repealed, together with all penalty fixed for the violation of the same; *Provided, however*, That the repeal of this section shall in no wise affect suits now pending under said section.

Approved March 1, 1881.

No. 43.] AN ACT [H. B. 115.

To amend section 4731 of the Code of Alabama.

SECTION. 1. *Be it enacted by the General Assembly of Alabama*, That section 4731 of the Code be so amended as to read as follows, to wit: § 4731. *On conviction, sentenced to hard labor for costs.*—If on conviction before the circuit, city or county court, judgment is rendered against the accused that he perform hard labor for the county, and if the costs are not presently paid or judgment confessed therefor, as provided for in section 4454 of the Code, then the court may impose additional hard labor for the county for such period, not to exceed eight months in cases of misdemeanor, and fifteen months in cases of felony, as may be sufficient to pay the costs, at a rate not less than thirty cents *per diem* for each day. Any person sentenced to hard labor for the county to pay costs

must be discharged from such sentence on the payment of said costs, or any balance thereof, by the hire of such convict or otherwise, and the certificate of the judge or clerk of the court in which the conviction was had that the costs, or the residue thereof, after deducting the amount realized from the hire of the convict, have been paid, or that the hire or labor of the convict, as the case may be, amounts to a sum sufficient to pay the costs, shall be sufficient evidence to authorize such discharge.

Approved February 20, 1881.

No. 44.]

AN ACT

[s. 57.

To amend section 4109 of the Code, and to provide for its enforcement.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 4109 of the Code of Alabama be amended so as to read as follows, to-wit: §4109 (3555).

Penalty for
carrying con-
cealed weap-
ons.

Carrying concealed weapons.—Any person who carries concealed about his person, a bowie knife, or any other knife, or instrument of like kind or description, or a pistol, or fire arms of any other kind or description, or any air gun, must be fined, on conviction, not less than fifty, nor more than five hundred dollars, and may also be imprisoned in the county jail, or sentenced to hard labor for the county, for not more than six months; *Provided*, That evidence, that the defendant has good reason to apprehend an attack, may be admitted in the mitigation of the punishment, or in justification of the offense.

Justification.

SEC. 2. *Be it further enacted*, That the grand juries of the several counties in this State shall have no discretion as to finding indictments for a violation of this act, whether a prosecutor appears or not; if the evidence justifies it, it shall be their duty to find and present the indictment.

SEC. 3. *Be it further enacted*, That the judges of the circuit and city courts shall give this act in special charge to the grand juries.

SEC. 4. *Be it further enacted*, That the fines under this act shall be collected in money only.

Approved February 19, 1881.

No. 45.]

AN ACT

[N. N. 110.

To amend section 2944 of the Code.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 2944 of the Code of Alabama be, and the same is, hereby amended so as to read as follows:

§2944 (2395). *Value of each article to be assessed separately, with damages for its detention; judgment in such suits.*—Upon the trial of any cause for the recovery of property in specie, the jury must, if they find for the plaintiff, if practicable, assess the value of each article of the property separately, and also assess damages for its detention; if they find for the defendant, they must in like manner assess its value, and if in the possession of the plaintiff, assess the damages for its detention. Judgment against either party must be for the property sued for, or its alternate value, with damages for the detention to the time of the trial; *Provided*, That in suits where the title of the plaintiff is derived from a mortgage, the defendant may put in issue the amount due upon the mortgage, and may, upon the payment of the amount found to be due by the jury, besides costs, within thirty days thereafter, have the title and possession of the property.

Trials for recovery of property in specie and mode of ascertaining damages.

Approved February 8, 1881.

No. 46.]

AN ACT

[S. 204.

To amend section 290 of the Code.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 290 of the Code be so amended as to read as follows: The precinct inspectors, clerks and returning officers shall each be entitled to one dol-

Pay of inspectors and election officers.

lar and fifty cents, and the returning officer to five cents per mile in going and returning from the county site, the distance to be computed from the place where the election was held, to be paid out of the county treasury upon proper proof of service rendered, and the same to be preferred claims, and to be paid out of any money not specially otherwise appropriated.

Approved February 10, 1881.

No. 47.]

AN ACT

[s. 32.

To amend an act to amend section 1817 of the Code.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That an act entitled "an act to amend section eighteen hundred and seventeen of the Code, approved February 12th, 1879, be amended so as to read as follows: Corporations organized under the provisions of this article, for mining and manufacturing purposes, shall have power to construct and operate a railroad, railroad tramway, turnpike, or corral, for their own use and purposes to and from their works, or place of business, or to connect with some navigable stream, or with some existing railroad, turnpike, or other public highway, not to exceed ten miles in length, except as hereafter provided, and shall have the right to condemn for the use of such road, the right of way in the lands over which the road may pass, on payment to the owner thereof of just compensation, and the general writs of "*ad quod damnum*" shall apply in all such cases, and such corporation shall have the right to cross any public road, street, or highway in this State with its railroad, but it shall in all instances place and keep such road, street, or highway, in a condition satisfactory to the court of county commissioners of the county where such road may be situated, and if such road is situated within the limits of any incorporated city or town, such corporation shall place and keep such road in a condition satisfactory to the corporate authorities of said city or town, but whenever any corporation organized under this article, for mining or manufacturing purposes, shall have built and have in use a railroad, or railroad tramway,

Conditions under which corporations for mining and manufacturing may construct railroads, tramways, &c., for their own use.

not exceeding ten miles in length, and shall find it desirable and convenient, in the prosecution of its business of mining or manufacturing, to build railroads, or railroad tramways, to a distance exceeding ten miles, it shall have the right to build and use railroads, or railroad tramways, for an additional distance not exceeding ten miles more, and shall have the right to acquire right of way, and condemn lands for that purpose, as herein-before provided. *Provided*, That before any such road shall have the right to cross any street, within any incorporated city, town, or vantage, they shall first have the consent of the proper municipal authorities.

Approved February 11, 1881.

No. 48.]

AN ACT

[§. 154.]

To amend section 1763 of the Code of Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama*. That section 1763 of the Code of Alabama be, and the same is, hereby amended so as to read as follows:

Proceedings, when inhabitants of a town wish to be incorporated.—Whenever the inhabitants of any town, not incorporated, consisting of not less than one hundred nor more than three thousand, wish to become incorporated, a petition must be filed by at least twenty of the male inhabitants of such town, in the office of the judge of probate of the county in which such town is situated, stating in such petition the boundaries of such town, and the name to be given, if incorporated; *Provided*, the corporate limits of such town must not be fixed without the consent of the owners of a majority in value of the real estate within the limits of such proposed town, in writing, signed by the persons so consenting, and such writing must be filed in the probate court of the county in which such town is to be situated.

For incorporation of town, petition to be filed in office of probate judge. Corporate limits cannot be fixed without consent of majority in value of real estate.

Approved February 11, 1881.

No. 49.]

AN ACT

[s. 100.]

To amend section 4325 (3691) of the Code.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section 4325 (3691) of the Code be amended so as to read as follows:

§ 4325 (3691.) *Enticing away servants or laborer, under a written contract, or from whom service is lawfully due.*—Any person who knowingly interferes with, hires, employs, entices away, or induces to leave the service of another, any laborer, or servant, who has contracted in writing to serve such other person for any given time, not to exceed one year, before the expiration of the time so contracted for, or who knowingly interferes with, hires, employs, entices away, or induces any minor to leave the service of any person to whom such service is lawfully due, without the consent of the party employing, or to whom such service is due, given in writing, or in the presence of some credible person, is guilty of a misdemeanor, and on conviction may be fined not less than fifty dollars, nor more than five hundred dollars, at the discretion of the jury trying the cause, and in no case less than double the damages sustained by the party whom such laborer, or servant, was induced to leave. One-half to the party sustaining such damage, and the other half to the county.

Person enticing servant or laborer guilty of misdemeanor and liable to fine.

Approved February 15, 1881.

No. 50.]

AN ACT

[s. 172.]

To amend section 1768 (1488) of the Code.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section 1768 (1488) of the Code of Alabama be, and the same is, hereby amended so as to read as follows:

§ 1768 (1488.) *If majority vote for incorporation, town incorporated.*—If a majority of the votes cast at said election are in favor of a corporation, the inspectors must, within five days thereafter, certify the same to such judge of probate, who must, within three days

Majority of voters in specified territory can secure incorporation.

thereafter, make an entry of record that the inhabitants of such town are incorporated by such name, and with such boundaries, as are designated in the petition; whereupon, the inhabitants of such town are incorporated, and invested with the rights incident to corporations under this Code; to purchase and hold, of real property, not exceeding twenty thousand dollars in value, and such personal property as may be necessary for the use of such corporation, and to dispose of the same.

SEC. 2. *Be it further enacted*, That said section 1768 (1488) of the Code of Alabama, as it now stands, be, and the same is, hereby repealed.

Approved February 11, 1881.

No. 51.]

AN ACT

[H. B. 36]

To amend section 4377 (3717) of the Code of Alabama of 1876.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 4377 (3717) of the Code of Alabama be amended so as to read as follows, to-wit:

§ 4377 (3717). *Embezzlement by clerk, agent, &c.*
Any officer, agent or clerk of any incorporated company, or municipal corporation, or clerk, agent, servant or apprentice of any private person or persons, who embezzles or fraudulently converts to his own use, or fraudulently secretes with intent to convert to his own use, any money or property which has come into his possession by virtue of his employment, must be punished, on conviction, as if he had stolen it.

Embezzlement
by clerk, agent,
&c., punishable
as for stealing.

Approved November 26, 1880.

No. 52.]

AN ACT

[n. n. 65.]

To amend section 1680 of the Code of Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section 1680 (1383) be amended so as to read as follows:

§ 1680 (1383). *Licenses for ferries, &c.; bond.*—The court of county commissioners may license any person to establish a ferry, bridge or causeway, for a term not exceeding ten years, and fix the rate of toll and ferrriage, without discriminating in favor of the inhabitants of their county; requiring the applicant to give bond and security, to be approved by the judge of probate, in not more than two thousand dollars, payable to the county, and conditioned, if a ferry, to keep safe and convenient boats, with a sufficient number of ferrymen, and to keep the banks on each side of the water-course in good repair; if a toll bridge or causeway, that it shall be well built, of the width prescribed for the grade of the road it is in, and kept in good repair, so that it can be passed at all times, with safety and convenience; which bond must be filed in the office of the judge of probate of the county in which the license is granted. And any person running or proposing to run any such ferry, or keep any such toll bridge or causeway, for ferrriage or toll, without such license, shall be guilty of a misdemeanor, and fined not less than twenty nor more than one hundred dollars, or imprisoned in the county jail, or sentenced to hard labor for the county for not less than thirty days.

Penalty for not obtaining license.

Approved November 29, 1880.

No. 53.]

AN ACT

[n. n. 53.]

To amend section 4169 of the Code of Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section 4169 of the Code of Alabama be amended so as to read as follows, to-wit:

§ 4169. *County officers becoming pecuniarily interested in county contracts.*—Any judge of probate, tax collector, tax assessor, sheriff, clerk of the circuit court, solicitor or county treasurer, members of the court of county commissioners, or board of revenue, who shall take any contract for work or services for the county, or be employed in any way under such contract, or be interested in any contract for hire of county convicts, or sell any goods or supplies to the county, or be in any wise pecuniarily interested in any such contract or sale as principal or agent, is guilty of a misdemeanor, and upon conviction shall be fined not less than fifty, nor more than one thousand dollars, and may be imprisoned in the county jail or sentenced to hard labor for the county for not exceeding twelve months; *Provided*, That said section 4169, as it now stands in the Code, and not this act, shall apply to all such officers now in office in Mobile county, during the term for which they were elected; *Provided further*, That nothing in this act contained shall apply to the sale or purchase of drugs or medicines, for the use of prisoners or paupers.

Approved December 2, 1880.

Prohibition of
and penalty for
county officers
becoming in-
terested in
county con-
tracts or hire of
county con-
victs.

No. 54.]

AN ACT

[H. R. 70.]

To amend an act to amend section 153 of the Code of Alabama, approved February 13, 1879.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act entitled "An act to amend section 153 of the Code of Alabama," approved February 13th, 1879, be amended so as to read as follows:

§ 153 (148). *Commissioned officers.*—The following officers are to be commissioned, namely: Chancellors, the judges of the several courts, the attorney general, solicitors, clerks of the city, circuit and supreme courts, sheriffs, the secretary of state, auditor, state treasurer, tax collectors, tax assessors, county treasurers and notaries public. The said officers shall not exercise the duties of their said offices without obtaining said commissions, and any person who violates the provisions of this section, shall be held guilty of a misdemeanor, and,

What officers
shall obtain
commissions.

on conviction thereof, shall be fined not less than five, nor more than twenty dollars.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with this act be, and the same are, hereby repealed.

Approved December 6, 1880.

No. 55.]

AN ACT

[H. B. 163.]

To amend section 669 of the Code of Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 669 of the Code of Alabama be amended so as to read as follows:

§ 669 (764). *Bonds*.—Before entering on the duties of his office, such clerk must give bond and security in such sum as the circuit judge or judge of probate may require, payable and conditioned as prescribed by section 163 (157), which bond must be approved by the circuit judge or judge of probate, recorded in the office of the judge of probate, and filed in the office of the Secretary of State; *Provided*, That in no case shall a bond in a less sum than \$2,000 be required.

Circuit court
clerk's bond not
to exceed
\$2,000.

Approved December 6, 1880.

No. 56.]

AN ACT

[H. B. 129.]

To amend sections 3462 and 3464 of the Code.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That sections 3462 and 3464 of the Code be amended so as to read as follows:

§ 3462. "*Lien of blacksmiths, and of wood workmen, for work and material*."—Blacksmiths and wood workmen, who contribute their labor and material, or labor, or material only, to the production or repairs of any vehicle or implement, or article of any kind, shall have a lien thereon in the hands of the party for whom such vehicle, or implement, or article, was made or sold, and in the hands of the purchaser of such vehicle, imple-

Lien of black-
smiths and
wood-work-
men.

ment, or article, with notice of such lien, for the value of the labor and material, or the labor or material, contributed to the production or manufacture or repair of the same.

§ 3464. "*Attachment; what the affidavit shall set forth; lien must be enforced in six months.*"—Parties shall be entitled to process of attachment to enforce their rights, to be issued by the same officers, and under the same conditions, as required by law in other cases of attachments; and the affidavit shall set forth all the facts necessary to the creation of such lien under section 3462, and, in addition thereto, one or the other of the following causes:

1. That the party for whom such article was made or sold is the owner thereof, and that the price of the article, or some part thereof, is due and unpaid.

2. That the party for whom such article was made or sold has transferred the article to a purchaser, with notice of such lien, and that the price of the article, or some part thereof, is due and unpaid.

Such lien shall be enforced only within six months To be enforced in six months from the time when the account or claim becomes due.

Approved December 2, 1880.

57.]

AN ACT

[H. R. 29.

To amend section 4358 of the Code of 1876.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That Section 4258 of the Code of 1876, be, and the same is, hereby amended so as to read as follows: Any person who steals any horse, mare, gelding, colt, filly, mule, jack, jenny, cow, or animals of the cow kind, hog, sheep, goat, or any part of any outstanding crop of corn or cotton; and any person who steals any personal property other than herein-before enumerated, exceeding twenty-five dollars in value, is guilty of grand larceny, and must, on conviction, be imprisoned in the penitentiary, or sentenced to hard labor for the county for not less than one nor more than ten years.

Penalty for stealing certain animals and other property.

Approved November 26, 1880.

No. 58.]

AN ACT

[§. 100]

To amend Section 4188 of the Code.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 4188 of the Code of Alabama be amended so as to read as follows :

Penalty for seduction of unmarried female,

§ 4188. *Seduction.*—Any man, who by means of temptation, deceptions, arts, flattery, or a promise of marriage, seduces any unmarried female in this State, shall be deemed guilty of a felony, and on conviction shall be imprisoned in the penitentiary for not less than one nor more than ten years, but no indictment or conviction shall be had under this section on the uncorroborated testimony of the female upon whom the seduction is charged, and no conviction shall be had under this section, if on the trial, it is proved that such female was, at the time of the alleged offense, chaste, and on the trial for such offense, the defendant shall be a competent witness in his own behalf.

Defendant competent witness.

SEC. 2. *Be it further enacted*, That said section 4188 of the Code of Alabama, as it stood before the passage of this act, be, and the same is, hereby repealed.

Approved February 25, 1881.

No. 59.]

AN ACT

[§. 970.]

To amend section 2800 of the Code of Alabama of 1876.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 2800 of the Code of Alabama of 1876 be, and the same is, hereby amended, so as to read as follows :

Property of minor can be removed under certain conditions.

§ 2800. *Removal of property when parent and minor are, or become, non-residents.*—Whenever the parent of any minor who has the legal custody thereof, resides with such minor in another State, or removes with such minor from this State, and becomes a resident of another State, the property of such minor in this State

may be removed to the State of his residence, by order of the probate or chancery court having local jurisdiction of the estate of such minor. But no such order of removal shall be made until a guardian for such minor, in the State of his residence, is appointed and duly qualified according to the laws of such State, and has given bond for the faithful performance of his trust, with approved sureties, in twice the value of the estate of such minor. When any such parent has removed, or may remove, with any such minor from any county in Alabama to any other county of this State, the probate court or judge of the county of the new residence of any such minor may appoint a guardian for such minor, and such guardian must give bond for the faithful performance of his trust in double the estimated value of the estate of such minor, to be approved by the probate court or judge making the appointment, and thereupon the guardian thus appointed shall become entitled, as such guardian, to demand, receive, and recover all the estate and property of every kind belonging to such minor, and to all appropriate remedies for recovering the same.

Approved February 26, 1881.

No. 60.]

AN ACT

[n. n. 121.

To amend section 4405 of the Code.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section 4405 of the Code be amended so as to read as follows:

§ 4405. *Sheep-killing dogs and hogs.*—Any person who owns or has in his possession or under his control any dog or hog known to worry or kill sheep or domestic fowls or goats, and suffer such dog or hog to run at large, shall be guilty of a misdemeanor, and on conviction shall be fined in a sum not less than five dollars nor more than fifty dollars.

Owner of dog or hog which worries or kills sheep, &c., guilty of misdemeanor for allowing said hog or dog to run at large.

Approved February 26, 1881.

No. 61.]

AN ACT

[H. B. 944.]

To amend an act approved December 2, 1880, entitled
An act to amend section 4169 of the Code of Alabama.

Treasurer of
Tallapoosa
county exempt
from certain
Act.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That an act entitled "An act to amend section 4169 of the Code of Alabama," approved December 2, 1880, be amended so as to exempt the treasurer of Tallapoosa county from the provisions of said act, so far as the hiring of county convicts is concerned, during the present term of said officer.

Approved February 23, 1881.

No. 62.]

AN ACT

[H. B. 123.]

To amend section 4205 of the Code of Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section 4205 of the Code of Alabama be amended so as to read as follows:

Liquor can be
given or sold to
minor with
consent of par-
ent or guar-
dian.

§ 4205. *Selling or giving liquor to minor or person of intemperate habits.*—Any person, other than the parent or guardian, or person having the management and control of a minor, who shall sell or give spirituous, vinous, or malt liquors, in any quantity whatever, to a minor, without the consent of the parent or guardian, or person having the management and control of said minor, unless it be upon the prescription of a physician; or who shall sell or give spirituous, vinous, or malt liquors to a person of known intemperate habits, except upon the prescription of a physician for medicinal purposes, is guilty of a misdemeanor, and must, on conviction, be fined not less than fifty nor more than five hundred dollars; and any minor who shall falsely state to any liquor dealer, or employe of liquor dealer, that he is over twenty-one years old, shall be guilty of a misdemeanor, and must, on conviction, be fined not more than fifty dollars: *Provided,* That said section 4205 be, and the same is, hereby repealed; and that any and all prosecutions pending

under said section so repealed, where spirituous, vinous, or malt liquors have been sold, or given to a minor by or with the consent of the parent, guardian, or person having the management and control of said minor, or upon the prescription of a physician, shall abate.

Approved February 26, 1881.

No. 43.]

AN ACT

[§. 46.

To amend section 2418 of the Code.

SECTION 1. *Be it enacted by the General Assembly of Alabama.* That section 2418 of the Code of Alabama be, and the same is, hereby amended so as to read as follows:

§ 2418 (2049). *Inventory to be returned under oath.*—On the return of the inventory, the executor or administrator must take and subscribe an oath, to be administered by the judge of probate, or any justice of the peace, or notary public of the county, that such inventory is full and complete, as to the goods and chattels, debts and money of the testator or intestate which have come to his knowledge or possession.

Executor or administrator must subscribe oath as to inventory.

SEC. 2. *Be it further enacted.* That section 2418 (2049), as it now stands, is hereby repealed.

Approved December 8, 1880.

No. 64.]

AN ACT

[§. 74.

To amend section 3787 of the Code.

SECTION 1. *Be it enacted by the General Assembly of Alabama.* That section 3787 of the Code be amended so as to read as follows:

§ 3787 (3353). Any complainant in a suit in chancery may, before answer or cross-bill is filed, on application to the register dismiss his suit, and, on such dismissal, the register may issue execution against such complainant for the costs; after answer or cross-bill has been filed, the complainant may, in vacation, enter

Complainant in suit in chancery may dismiss suit before answer and after answer, motion on order book for dismissal operates as dismissal unless contested.

on the order book of the register a motion to dismiss the bill, and, on entering such motion, all further proceedings in the cause shall be suspended, and the register may thereupon issue execution for costs against the complainant, and such motion shall operate as a dismissal of the cause, unless good cause be shown by the defendant against such dismissal at the next term of the court.

Approved December 8, 1880.

No. 65.]

AN ACT

[H. B. 58]

To amend an act entitled An act, to amend section 5042 of the Code, approved February 13, 1879.

As to fees arising from fines against defaulting witnesses, jurors and bail.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act entitled "An act to amend section 5042 of the Code," be amended so as to read as follows: Of the fees specified in the preceding section, such as accrue on a forfeiture against a defaulting juror, witness or bail, must be taxed as costs, and collected under execution against such witness, juror or bail, unless excused therefrom by the court and all other special fees for such services as are rendered in the case, must be taxed as costs against the defendant, on conviction, or against the prosecutor, or the foreman of the grand jury, as provided by section 4779, and collected by execution; and in all trials in the circuit or city courts or county courts, where the State fails to convict, the fees of the sheriff and clerks of said courts shall be paid out of the fine and forfeiture fund; *Provided*, That said sheriffs and clerks must make affidavit before the circuit, city or probate judge, the amount due them; *And provided further*, That the right of said sheriffs and clerks to such payment of their said fees shall be postponed to the rights of State witnesses, as they now exist.

Approved December 8, 1880.

No. 66.]

AN ACT

[H. B. 907.]

To amend section 429 of the Code of Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section 429 of the Code of Alabama be, and the same is, hereby amended so as to read as follows:

§ 429. *Term in July, examination of assessor's returns, docket and notice, and action, in case of errors and under-valuation.*—The court of commissioners shall convene the second Monday in July, to examine the assessor's returns, and if any errors or under-valuations are found therein, to enter the same on a docket to be kept for that purpose, and shall immediately issue notice to the person who listed such property for taxation, or may issue such notice to the supposed owner of the property; but such court shall act on the said returns without giving notice where the property is assessed by the assessor to an unknown owner, and the court is hereby invested with full power and authority to change, correct, equalize, increase or lower the valuation of any property which may be returned for assessment after they have given the notice required in this section and at their regular meeting in August; and the tax assessor shall attend the sessions of the court of commissioners at the regular meetings in July and August, while the said court is engaged in the examination, correction and hearing of said returns, and shall receive compensation for the same, not to exceed two dollars a day, by warrant drawn on the county treasury.

Approved February 28, 1881.

No. 67.]

AN ACT

[S. 206.]

To amend An act to amend section 1373 of the Code, approved January 20, 1879.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the act to amend section 1373 of the Code, approved January 20, 1879, be amended so as to read as follows:

Wardens and harbor masters at Mobile appointed; term of office.

§ 1373. *Appointment of wardens and harbor master; term of office, removal, filling vacancy, and term of appointment.*—Within the first fifteen days of March, 1881, or as soon thereafter as practicable, and every three years thereafter, there shall be appointed by the president of the Mobile police board of the port of Mobile, the president of the Mobile board of trade, and the president of the board of underwriters of Mobile, or a majority of them, having had at least one day's notice of the time and place of convention for such appointment, three persons, who shall be denominated wardens of the port of Mobile, one of whom shall be designated and shall serve as harbor master, and for refusal or neglect of duty, or for improper conduct in the discharge of their duties, may be removed from office by the officer charged with appointment; such removal, however, shall be made on the written complaint of one or more persons, of which the wardens shall have at least two days notice. In case of such removal, or of a vacancy from any cause, the office shall be filled by the officers having the power of appointment, and such appointee shall remain in office till the time herein named for the next general appointment of three wardens of the port of Mobile.

Sec. 2. *Be it further enacted*, That all laws and parts of laws, so far as the same conflict with the provisions of this law, be, and the same are, hereby repealed.

Approved February 10, 1881.

No. 68.]

AN ACT

[H. B. 653.

To amend sections 3289 and 3291 of the Code of Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 3289 of the Code of Alabama be amended so as to read as follows :

How and by whom property bailed; replevied.

§ 3289. "*Replevy of property levied on; replevy of property bailed.*"—The defendant in attachment, or in his absence, a stranger may replevy the goods or chattels attached, or any part thereof, by executing bond with surety

payable to the plaintiff in double the value of the property replevied, the value thereof to be determined by the officer making the levy, with condition that if the defendant fail in the action, he or his sureties will return the specific property attached within thirty days after the judgment, which bond must be returned with the other papers of the cause.

Sec. 2. *Be it further enacted*, That section 3291 of the Code of Alabama be amended so as to read as follows:

§ 3291. *Forfeiture of replevy bond and execution thereon.*—When property replevied is not delivered in thirty days after judgment against the defendant in attachment, it is the duty of the sheriff to return the bond forfeited, and execution must issue thereon against the principal and sureties on such bond, for the amount of the value of the property replevied, as fixed by the sheriff or other officer, with interest thereon from the date of the bond so forfeited, and for the cost of replevy, and of the execution. But, if such valuation is greater than the amount of the judgment against the defendant in attachment, then execution shall issue against said principal and sureties for the amount of the judgment and costs.

Approved March 1, 1881.

No. 69.]

AN ACT

[H. R. 52.

To fix the time of holding the circuit courts, and of pleading, in the first judicial circuit of Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the circuit courts in the several counties of the first judicial circuit of Alabama, shall be held in each year as follows:

In the county of Baldwin, on the first Monday in March, and on the fourth Monday in September, and may continue two weeks.

In the county of Washington, on the third Monday in March, and the second Monday after the fourth Monday in September, and may continue one week.

In the county of Choctaw, on the fourth Monday in

Forfeiture of
replevy bond.

Times of hold-
ing and length
of term.

March, and the third Monday after the fourth Monday in September, and may continue two weeks.

In the county of Marengo, on the second Monday after the fourth Monday in March, and the fifth Monday after the fourth Monday in September, and may continue two weeks.

In the county of Clarke, on the fourth Monday after the fourth Monday in March, and the seventh Monday after the fourth Monday in September, and may continue one week.

In the county of Monroe, on the fifth Monday after the fourth Monday in March, and may continue one week, and on the eighth Monday after the fourth Monday in September, and may continue two weeks.

In the county of Mobile, on the seventh Monday after the fourth Monday in March, and the tenth Monday after the fourth Monday in September, and may continue eight weeks.

Pleadings, &c.,
in Baldwin,
Washington,
Clarke and
Monroe coun-
ties.

SEC. 2. *Be it further enacted*, That in the courts of Baldwin, Washington, Clarke and Monroe counties, the defendant must, in all cases that stand for trial, plead or demur to the complaint within the first day of the term, and the pleadings made up within the next succeeding day, unless the time be enlarged by the court.

Criminal cases
in Baldwin and
Monroe coun-
ties.

SEC. 3. *Be it further enacted*, That in the courts of Baldwin and Monroe counties the criminal cases may be set for trial in the first week of the term, and the witnesses must be summoned to the day fixed for such trial.

Approved November 26, 1880.

No. 70.]

AN ACT

[S. B. 87.]

To amend subdivisions one, two, three and four of "An act to fix the times and places for holding the circuit courts in the third judicial circuit," approved February 12, 1879.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the first, second, third and fourth subdivisions of an act entitled "An act to fix the times and places for holding the circuit courts in the third judi-

cial circuit," approved February 12, 1879, be amended so as to read as follows, to-wit:

1. For the county of Henry, at Abbeville, on the second Mondays in March and September, and may continue one week.

Time of holding circuit courts in Henry, Dale, Geneva and Coffee counties.

2. For the county of Dale, at Ozark, on the first Mondays after the second Mondays in March and September, and may continue one week.

3. For the county of Geneva, at Geneva, on the second Mondays after the second Mondays in March and September, and may continue one week.

4. For the county of Coffee, at Elba, on the third Mondays after the second Mondays in March and September, and may continue one week.

Approved December 8, 1880.

No. 71.]

AN ACT

[§. 284.

To amend subdivision eight of "An act to fix the times and places for holding the circuit courts in the third judicial circuit," approved February 12, 1879.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That subdivision eight of an act entitled "An act to fix the times and places for holding the circuit courts in the third judicial circuit," approved February 12, 1879, be, and the same is, hereby amended so as to read as follows: 8. For the county of Barbour, at Clayton, on the eleventh Mondays in March and September, and may continue two weeks; and at Eufaula on the thirteenth Mondays after the first Mondays in March and September, and may continue two weeks, or until the business is disposed of.

Approved March 1, 1881.

To fix the time of holding the circuit courts in the sixth judicial circuit of the State of Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the circuit courts shall be held in the several counties composing the sixth judicial circuit, in this State, at the court house in said counties, as follows, to-wit:

Sumter. In the county of Sumter, on the second Mondays in February and August in each year, and may continue for two weeks.

Pickens. In the county of Pickens, on the second Mondays after the second Mondays in February and August in each year, and may continue two weeks.

Lamar. In the county of Lamar, on the fourth Mondays after the second Mondays in February and August in each year, and may continue one week.

Fayette. In the county of Fayette, on the fifth Mondays after the second Mondays in February and August in each year, and may continue one week.

Walker. In the county of Walker, on the sixth Mondays after the second Mondays in February and August in each year, and may continue one week.

Greene. In the county of Greene, on the eighth Mondays after the second Mondays in February and August in each year, and may continue two weeks.

Tuskaloosa. In the county of Tuskaloosa, on the tenth Mondays after the second Mondays in February and August in each year, and may continue two weeks.

Shelby. In the county of Shelby, on the twelfth Mondays after the second Mondays in February and August in each year, and may continue two weeks.

Jefferson. In the county of Jefferson, on the fourteenth Mondays after the second Mondays in February and August in each year, and may continue until the business is disposed of; *Provided,* That this act shall not take effect until the 1st of July, 1881.

SEC. 2. *Be it further enacted,* That all laws and parts of laws, in conflict with the provisions of this act, be, and same are, hereby repealed.

Approved February 26, 1881.

No. 73.]

AN ACT

[s. 146.]

To amend "An act to regulate and fix the time of holding the courts in the several counties composing the 7th judicial circuit," approved February 13th, 1879.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the courts shall be held in the several counties composing the seventh judicial circuit at the court house in such counties as follows: For the county of Talladega, on the first Monday in December, and continue in session five weeks; and on the first Monday in July, and continue three weeks. For the county of Clay, on the fifth Monday after the first Monday in December, and on the third Monday after the first Monday in July, and continue one week at each term. For the county of Cleburne, on the seventh Monday after the first Monday in December, and on the fourth Monday after the first Monday in July, and continue one week at each term. For the county of Calhoun, on the seventh Monday after the first Monday in December, and the fifth Monday after the first Monday in July, and continue two weeks at each term. For the county of Cherokee, on the fifth Monday after the third Monday in January and July, and continue two weeks at each term. For the county of Etowah, on the seventh Monday after the third Monday in January and July, and continue two weeks at each term. In the county of St. Clair, on the ninth Monday after the third Monday in January and July, and continue one week at each term. In the county of DeKalb, on the twelfth Monday after the third Monday in January and July, and continue one week. In the county of Marshall, on the thirteenth Monday after the third Monday in January and July, and continue one week at each term. In the county of Blount, on the fourteenth Monday after the third Monday in January and July, and continue two weeks at each term. In the county of Cullman, on the sixteenth Monday after the third Monday in January and July, and continue one week at each term.

Sec. 2. *Be it further enacted,* That this act shall not take effect until the first day of July, 1881.

Approved March 1, 1881.

No. 74.]

AN ACT

[H. R. 641.]

To amend "An act to fix the times of holding the circuit courts of the eighth judicial circuit of Alabama."

Act as amended.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That after the first day of March, 1881, the circuit courts of the eighth judicial circuit of Alabama shall be held in each year as follows: In the county of Madison, on the first Mondays in February and August, and may continue four weeks; in the county of Lauderdale, on the first Mondays in March and September, and may continue two weeks; in the county of Colbert, on the third Mondays in March and September, and may continue one week; in the county of Franklin, on the fourth Mondays in March and September, and may continue one week; in the county of Marion, on the first Mondays after the fourth Mondays in March and September, and may continue one week; in the county of Winston, on the second Mondays after the fourth Mondays in March and September, and may continue one week; in the county of Lawrence, on the fourth Mondays in April and October, and may continue two weeks; in the county of Morgan, on the second Mondays after the fourth Mondays in April and October, and may continue one week; in the county of Limestone, on the third Mondays after the fourth Mondays in April and October, and may continue two weeks; in the county of Jackson, on the fifth Mondays after the fourth Mondays in April and October, and may continue two weeks.

Repealing clause.

SEC. 2. *Be it further enacted,* That all laws, so far as they conflict with this act, be, and the same are, hereby repealed.

Approved March 1, 1881.

No. 75.]

AN ACT

[H. R. 477.]

To fix the time for holding the circuit court in Colbert county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That in the county of Colbert there shall be

held two terms of the circuit court in each year, commencing on the third Mondays in March and September, and each term of said circuit court may continue one week, and not longer.

Two terms circuit court in Colbert county — one week each.

SEC. 2. *Be it further enacted*, That all laws and parts of laws, in conflict with the provisions of this act, be, and the same are, hereby repealed.

Approved February 19, 1881.

No. 76.]

AN ACT

[S. 282.]

To amend "An act to regulate the times and places of holding the chancery courts in the western chancery division of Alabama, composed of the counties of Marengo, Sumter, Greene, Pickens, Fayette, Lamar, Marion, Franklin, Colbert, Lauderdale, Limestone, Lawrence, Winston, Walker, Tuscaloosa, Hale, Perry, Bibb, Shelby, Jefferson, Blount, Cullman, and Morgan," approved February 12, 1879, so far as relates to the first, seventeenth, eighteenth, nineteenth and twentieth districts.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the courts of chancery in the first, seventeenth, eighteenth, nineteenth and twentieth districts in the western chancery division shall hereafter be held at the times and places as follows:

In the first district, composed of the county of Marengo, the thirteenth Monday after the fourth Mondays in January and July, and may continue one week.

In the seventeenth district, composed of the county of Lawrence, at the court house at Moulton, on Thursday after the ninth Monday after the fourth Mondays in January and July, and may continue one week.

In the eighteenth district, composed of the county of Franklin, at the court house of said county, on Thursday after the tenth Monday after the fourth Mondays in January and July, and may continue three days.

In the nineteenth district, composed of the county of Colbert, at Tuscumbia, on the eleventh Monday after the fourth Mondays in January and July, and may continue four days.

Lauderdale.

In the twentieth district, composed of the county of Lauderdale, at the court house at Florence, on Friday after the eleventh Monday after the fourth Mondays in January and July, and may continue one week.

SEC. 2. *Be it further enacted*, That so much of the original act to which this act is amendatory, in so far as said original act is in conflict with the provisions hereof, be, and the same is, hereby repealed.

Approved March 1, 1881.

No. 77.]

AN ACT

[s. 58.

To amend "An act to fix the times and places of holding the chancery courts in the southern chancery division," approved February 13th, 1879.

Time of chancery court in Crenshaw county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section six of "An act to fix the times and places of holding the chancery courts, in the southern chancery division," approved February 13th, 1879, be so amended as to read as follows: 6. At Rutledge, on Thursday after the ninth Monday after the fourth Mondays in February and August, and may continue three days at each term.

Approved December 8, 1880.

No. 78.]

AN ACT

[s. 370.

To provide for the disposition of the Reports of the Supreme Court which now remain in the possession of the Secretary of State, after the distribution thereof as provided by law.

Secretary of State to sell all Reports, except 25 of each volume, at \$1.50 per copy.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That of the Alabama Reports which now remain in the possession of the Secretary of State, after the distribution of the same as required by law, the Secretary of State shall keep in his office twenty-five copies of each volume, and may sell the remainder at the price of three dollars and fifty cents per copy;

Provided, That not more than one copy of any one volume shall be sold to any one person.

Sec. 2. *Be it further enacted*, That the money arising from such sales shall be applied, under the direction of the chief justice, to the purchase of books for the library of the supreme court: *Provided*, That before the Secretary of State shall sell any of said Reports, he shall advertise the same by publication in three newspapers published respectively in Mobile, Montgomery and Huntsville, which notice shall specify the particular Reports for sale and the price thereof.

Money from sale to go to purchase of books for Supreme Court library.

Sec. 3. *Be it further enacted*, That the Secretary of State shall make biennial reports of sales of such Reports to the Governor. Such reports to the Governor shall show the number of copies sold, the amount received for them, and the number left on hand, and the Governor shall transmit such reports to the General Assembly at each session.

Reports of sale to be made to the Governor.

Approved March 1, 1881.

No. 79.]

AN ACT

[§. 163.]

To allow executors or administrators to purchase property for the estates they represent, where such property is sold under decree of the chancery courts or executions from courts of law, in their favor, as administrators or executors.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That hereafter executors or administrators of estates of deceased persons may purchase for the estates they represent property sold under decrees of the chancery courts, or executions from courts of law, in their favor, as such administrators or executors.

Approved March 1, 1881.

No. 80.]

AN ACT

[§. 150.]

To protect the occupants of lands with a growing crop, when sold by order of the chancery court.

Chancellor
must determine
value of rent.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That whenever any land is sold under a decree of the chancery court, if it be made to appear that the occupant of said land, at the time of such sale, has a crop planted or growing on the premises, it shall be the duty of the chancellor to determine the value of the rent to which the purchaser of said land is entitled, and the occupant of said land shall be allowed to remain in possession thereof until the expiration of the year, on the execution of a bond in double the amount of such rent, payable to the purchaser, with surety, to be approved by the register, with condition to pay the rent so determined at the expiration of the year.

Bond filed with
register.

SEC. 2. *Be it further enacted,* That the bond so taken must be filed in the register's office, and shall have the force and effect of a judgment, and if not paid at maturity, the register, on the application of the purchaser, must issue execution against all the obligors for the amount ascertained by the register to be due at the time.

Approved February 23, 1881.

No. 81.]

AN ACT

[§. 131.]

To provide for the enforcement of judgments rendered by justices of the peace and notaries public.

General
violation.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That when a judgment is rendered by a justice of the peace, or notary public having like powers, and an appeal is taken or the cause removed by *certiorari* to the circuit or city court of any county, and pending such appeal or removal said justice or notary should die, or otherwise vacate his office, leaving no qualified successor, and in the prosecution of said cause it should become necessary by the dismissal of said appeal, or otherwise for a writ of *procedendo* to issue to

the justice or notary from whose court said cause was removed, then and in that event it shall be the duty of such circuit or city court, upon motion to direct said writ of *procedendo* to issue to any justice of the peace or notary public with like powers in the county.

Sec. 2. *Be it further enacted*, That in case the docket of any justice of the peace or notary public, who may have died or vacated his office under circumstances set forth in the preceding section, shall have been lost or destroyed, then a transcript of the same on file in the circuit or city court, or a certified copy thereof, shall be sufficient evidence upon which to establish a judgment before any justice or notary to whom the circuit or city court may direct a writ of *procedendo* to issue, under the provisions of the preceding section.

Proceedings when docket is lost or destroyed.

Approved February 5, 1881.

No. 82.]

AN ACT

[§. 82.]

To secure the right of appeal to the State in criminal cases, when the act of the General Assembly under which the indictment is found is held to be unconstitutional.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That in all criminal cases, when the act of the Legislature under which the indictment is found is held to be unconstitutional, the solicitor may take an appeal on behalf of the State to the supreme court, which appeal shall be certified as other appeals in criminal cases.

Solicitor may appeal when Act of Legislature under which indictment is found is held unconstitutional.

Sec. 2. *Be it further enacted*, That the constitutionality of a statute under which an indictment is found can only be raised by demurrer to the indictment or complaint, and if the demurrer is sustained the court must hold the defendant to bail, or commit him to jail, in default of bail, to await the decision of the supreme court on appeal.

Defendant to be held to bail or committed to jail pending decision of Supreme Court.

Sec. 3. *Be it further enacted*, That when an appeal is taken under this act, the clerk of the court in which the appeal is taken must transmit a transcript of the

Transcript must be sent to Supreme Court.

record and certificate of appeal to the supreme court without delay.

Approved December 8, 1880.

No. 83.]

AN ACT

[H. R. 502.

To authorize appeals to the supreme court of the State of Alabama, from the award or decision of a referee or arbitrator in chancery causes.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That causes now pending, or hereafter brought in the chancery courts of this State, may be submitted or referred in term time or vacation, by written agreement of the parties, or their solicitors, to a referee or arbitrator, to be agreed upon by them, whose decision, when certified to the register in chancery of the district in which said cause is pending, shall be final; *Provided, however,* That either party to said cause shall have the right to appeal from said award or decision to the supreme court of the State, as in other cases decided in chancery.

Approved February 23, 1881.

No. 84.]

AN ACT

[S. 228.

To provide a mode of procedure in application to amend judgments, decrees and orders "*nunc pro tunc*."

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That in all proceedings in courts of record to amend judgments, decrees or orders *nunc pro tunc*, all persons adversely interested in such proceedings, residents in this State, shall have ten days personal notice of the application of such amendment, and if such persons adversely interested are non-residents of this State, or if their residence cannot be ascertained upon reasonable enquiry, then notice of such application shall be given by publication in a newspaper published in the county where such application is made,

Decree of arbitrator final, but either party can appeal to Supreme Court.

Time and mode of giving notice.

and if no newspaper is published in said county, then such publication shall be made in the paper published nearest the court house thereof; *Provided*, This act shall not apply to the correction of clerical errors, nor to amendments of judgments, decrees, or orders made during the term at which the same are entered.

Sec. 2. *Be it further enacted*, That in all cases where such application is made to amend *nunc pro tunc* is not resisted, the costs of proceedings shall be adjudged against the party applying for such amendment.

Sec. 3. *Be it further enacted*, That either party to such proceedings may reserve exceptions to the ruling of the court at the trial thereof, and may appeal from the decision of the court, within thirty days after the final order therein, upon the same terms and conditions as are now required by law in appeal from judgments on application for remedial writs; *Provided*, The provisions of this act shall not be so construed as to extend or enlarge the power or jurisdiction of any court to enter any judgment, order, or decree, *nunc pro tunc*.

Approved March 1, 1881.

No. 85.]

AN ACT

[n. n. 962.]

To amend sections 10, 11, 31, 34, 43, 47 and 77 of an act entitled an "Act to organize and regulate a system of public instruction for the State of Alabama," approved February 7, 1879.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That sections 10, 11, 31, 34, 43, 47 and 77 of an act entitled "An act to organize and regulate a system of public instruction for the State of Alabama," approved February 7, 1879, be, and the same are, hereby amended so as to read as follows:

Sec. 10. *Be it further enacted*, That the Superintendent of Education is authorized to employ a suitable clerk for service in his office; and such clerk shall be allowed an annual salary of fifteen hundred dollars, to be paid as other department clerks.

Sec. 11. *Be it further enacted*, That the Superintendent of Education shall receive a salary of two thou-

and two hundred and fifty dollars per annum, to be paid as the salaries of other State officers are paid.

Township superintendents shall call annual meetings.

Sec. 31. *Be it further enacted*, That each township superintendent of public schools shall annually, on the last Monday in October, or within seven days thereafter, call a meeting of the parents and guardians of the children of his district within the educational age, and he shall, at such meeting, in consultation with such parents and guardians, and with a view to subserve their wishes, interests and convenience, transact the following business:

Number of schools.

1. He shall determine the number of schools which shall be established in his district for the current scholastic year, and shall designate the same by number; *Provided*, That not more than two schools shall be established for either race in any township, in which the fund of such race does not exceed fifty dollars.

Location.

2. He shall fix the location of each school, the time of its opening, and the length of the session, which shall not be less than twelve weeks, except as hereinafter provided.

Apportionment of revenue.

3. He shall apportion to each school so established the amount it shall receive from the public school revenue apportioned to the township and race for the current scholastic year. He must, in making such apportionment, have regard to the number of children of his district within the educational age, who will probably attend each school, and apportion the district fund to the several schools of his district, as nearly equal *per capita* as practicable, so that all the children who attend the public schools established for them shall receive equal benefit from such fund.

Transfer of children.

4. He shall determine the number of and what children shall be transferred from his district to the schools of other districts, and to what districts transferred, during the current scholastic year, and shall set apart an amount of the money apportioned to his district to pay for such transferred children, in the proportion which the number so to be transferred bears to the whole number of children in his district within the educational age; and if it should be deemed impracticable to establish in his township a public school for the children of either race, on account of the want of a sufficient number of such race living within a reasonable distance, and who cannot

he conveniently transferred to a public school in another township, he shall, in such case, determine the number and what children of such race in his township shall be entitled to the benefits of the amount apportioned to his township, and the amount to which each child shall be entitled, and the same shall be paid by the county superintendent to the parents or guardians of such children, and take receipts therefor as provided in the case of the payment of teachers; *Provided*, No payment shall be made on account of any child who does not actually attend some school in this State the same length of time during which the public schools are kept open for the current scholastic year.

When money may be paid to parents or guardians.

5. He shall, within ten days after said meeting, make report to the county superintendent of the number and location of the schools, names of the teachers employed, and the amount of money apportioned to each school.

6. He shall transact such other business as may be necessary to carry out the provisions of law.

Sec. 34. *Be it further enacted*, That the township superintendent of public schools shall in no case contract with teachers or open schools, until he has definitely determined the number and location of the schools in his district, and the amount of money each school shall receive from the amount apportioned to his district; nor shall he contract for a school of less than three scholastic months, nor less than ten pupils within the educational ages, if there are more than ten children of each race within such ages, nor more than fifty pupils to each teacher.

Contracting with teachers.

Sec. 43. *Be it further enacted*, That every teacher of a public school must forward to the county superintendent of education a complete report within five days after the end of each scholastic quarter, setting forth the enrollment, attendance, number of transferred scholars, and from what township transferred, the branches taught and the number of pupils in each, distinguishing between male and female, and whether a white or a colored school; also, stating monthly pay from school revenue from the township in which the school is located; and from transferred scholars, stating township and range from which such scholars are transferred, the number of days taught, the amount due for

Report of teachers.

services from school revenues of the township, the number of visits by the township superintendents of public schools, name and post-office address of teacher. Such report must be sworn to by the teacher before the township superintendent, and approved by him. No teacher can draw any pay for services rendered until he has forwarded a report in accordance with the requirements of this section.

County educational boards.

SEC. 47. *Be it further enacted*, That an educational board shall be established in each of the counties of this State, which shall be composed of two teachers, either of public or private schools of said county, together with the superintendent of education for the county. At the beginning of each scholastic year, or as soon thereafter as practicable, the county superintendent of education shall appoint the members of such educational board who shall hold office during the current scholastic year. The county superintendent shall be the president of said board, and one of the members thereof shall be the secretary. The county superintendent shall have authority to fill all vacancies which shall occur on said board; and a majority of said board shall be necessary for the transaction of any business.

2. The meetings of said board shall be quarterly, at such times and places as it may designate; but may meet oftener when deemed advisable by them.

License to teach in the public schools.

3. Applicants for license to teach in the public schools of the county must be examined by such board of education, the questions and answers in such examination must be in writing, and shall be preserved by said board for one year open to inspection; and when the applicant is found duly qualified and of good moral character, must receive a license, upon the payment of a fee of one dollar, which shall be divided between the two members of the board appointed by, and acting with, the county superintendent of education, to teach in the public schools of said county, to be signed by the president and secretary of the board. But a diploma from any chartered institution of learning will entitle the applicant to license without examination, on proof of good moral character.

4. A register of all licenses issued shall be kept by said board, and whenever any license shall be cancelled,

the fact shall be noted on such register, and the cause of such cancellation.

5. Whenever it shall appear to the board that any teacher so licensed has been guilty of intemperance, or of unworthy or disgraceful conduct, it shall cancel the license, and strike the name from the registered list of teachers. License may be cancelled.

6. No teacher shall be engaged in any of the public schools of any county in this State, or receive any of the school funds, unless so examined, licensed and registered in such county.

7. It shall be the duty of said board of education to organize and maintain in their counties, respectively, teachers' institutes, to be held at such times and places as they may prescribe—one for teachers who are colored persons, and one for teachers who are white persons; *Provided*, There shall be not less than ten teachers in said county licensed of the race for whom such institutes shall be organized. Teachers' institutes, their meetings and duties.

8. The county superintendent of education shall be the president of such institute, and the other officers thereof may be elected. The members of the educational board shall be the vice presidents, and in the absence of the superintendent, shall preside over its meetings. Every licensed teacher of the county shall be a member of such institutes, each of the institutes organized for his race or color. But no fee and no assessment shall be imposed upon a member without his consent.

9. The meetings of such institutes shall be at such times and places as may be prescribed by the educational board; but there shall be not less than three meetings annually, and said licensed teachers must attend at least one of these meetings. There shall be an annual meeting during the month of September, at which an address to the teachers shall be made by some person chosen by the educational board.

10. The meetings of the institutes shall be devoted mainly to the discussions and instruction in regard to the method of teaching and disciplining schools, the text books used, and other matters connected with the schools and school laws.

SEC. 77. *Be it further enacted*, That the county superintendent of education in each county may

County super-
intendent may
employ an at-
turney.

employ attorneys to prosecute actions, under the provisions of this article, against the defaulters and their sureties; but in no case shall any attorney receive more than ten per centum of the amount which may be collected on any judgment obtained by him, or of the amount which may be otherwise recovered by him.

Approved March 1, 1881.

No. 86.]

AN ACT

[s. 114.

To amend section 71 of "An act to organize and regulate a system of public instruction for the State of Alabama," approved February 7th, 1879, so far as the same relates to the counties of Washington, Clarke, Monroe, Escambia and Baldwin.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section 71 of an act, entitled "An act to organize and regulate a system of public instruction for the State of Alabama," approved February 7, 1879, be, and the same is, hereby amended, so far as relates to the counties of Washington, Clarke, Monroe, Escambia and Baldwin, so as to read as follows:

All school
funds in coun-
ties of Wash-
ington, Clarke,
Monroe, Es-
cambia and
Baldwin to be
apportioned
among school
districts.

SEC. 71. *Be it further enacted,* That the county superintendents of education for the counties of Washington, Clarke, Monroe, Escambia and Baldwin shall in like manner apportion among the school districts under their supervision, all funds which they have received for any particular school district and race, and which has remained unused by such township and race for four years.

Approved February 10, 1881.

No. 87.]

AN ACT

[H. R. 199.

To authorize the compromise and settlement of claims for school lands in this State.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That it shall be the duty of the county

superintendents of education of the various counties in this State, as soon as practicable after the passage of this act, to investigate all claims held by the State for school lands in their respective counties, by taking the evidence of parties claiming said lands, and of persons who may be acquainted with material facts connected with such claims, by deposition, affidavit or otherwise, so as to ascertain as nearly as possible what amount, if any, has been paid for said lands, when and to whom paid, the amount still due the State, a description of the lands and their present value. It shall also be their duty to report in writing to the superintendent of education all the facts and circumstances attending each particular claim, together with such recommendation as may seem to them just, equitable and proper under all the circumstances of each particular case. To enable county superintendents more effectually to carry out the provisions of this section, it shall be the duty of the Attorney General of this State to turn over to the superintendent of education all notes or other evidence in his possession or under his control of claims for school lands, existing prior to the first day of April, 1865; and it shall be the duty of the Superintendent of Education to give to county superintendents of education any information in his possession tending to show the true condition of such claims.

County super-
intendent must
investigate
claims.

Reports to
State Superin-
tendent.

Attorney Gen-
eral turns over
notes in his
hands.

Sec. 2. *Be it further enacted*, That it shall be the duty of the Superintendent of Education to recommend to the Governor the issuing of patents to such persons as shall appear from the facts and circumstances of the claims entitled thereto; and also to any person claiming or having any interest in said lands, who shall pay to the State such sum or sums of money at the time and in the manner recommended by the county superintendent of education that he should pay in compromise and settlement of the claims due from him to the State for any particular portion of the school lands heretofore sold by the State, and upon the recommendation of the Superintendent of Education the Governor shall be authorized to issue such patent; *Provided*, That before making such recommendation to the Governor, the Superintendent of Education shall be satisfied that the amount recommended by the county superintendent to be paid the State in compromise and

Patents to be
issued.

settlement of any such claim is fair, just and to the interest of the State, and that the same has been fully paid.

County super-
intendent may
bring suits.

Sec. 3. *Be it further enacted*, That should any of the parties claiming said school land refuse or fail to pay the amount found to be due from them to the State, or refuse or fail to comply with the recommendations of the county superintendent, by refusing or failing to pay or secure to the State the amount recommended by him to be paid, in compromise and settlement of such claim for any particular school land claimed by said party, for ninety days after he has been notified by the county superintendent of the amount required to be paid or secured to the State by him, to enable him to get a patent from the State to said land; that it shall be the duty of the county superintendent to cause suit to be brought in the name of the State, for the use of the township in which the land lies, in equity, to enforce the lien of the State upon said land for the whole amount found to be due the State, and upon the trial of said cause the certificate of the superintendent of education that the notes and other evidence of said claims are not in his office, and that he has no knowledge where they are, shall be *prima facie* evidence that said notes have been lost, and shall authorize the State to introduce secondary evidence of the contents of said notes or other evidence of said claims; *Provided*, That the State shall not be liable for costs, should there be a failure to recover on said claims.

State Superin-
tendent takes
steps to secure
interest to the
townships.

Sec. 4. *Be it further enacted*, That it shall be the duty of the superintendent of education, should it be made to appear to his satisfaction that any sum or sums of money have been paid to the State or to any one legally authorized to receive the same, for any school lands, upon which sum the State should, but is not, paying interest to the school fund of the township in which said land lies, or to which it belongs, to take such steps as will secure to such township the interest at the rate of six per cent. per annum upon the sum so found to have been paid, and it shall be the duty of the State Auditor to draw his warrant on the State treasury in favor of the school fund of the particular township for the amount so found to have been paid, and the Treasurer shall set apart the sum as required of other

16th section funds, and interest on the same shall be included in the Auditor's annual certificate to the Superintendent of Education, as upon other 16th section funds.

SEC. 5. *Be it further enacted*, That for the services prescribed by this act the county superintendent shall be paid out of the sums so realized to the State, or out of the school fund of the township in which the school land lies, reasonable compensation, the amount in each case to be determined by the Superintendent of Education.

Compensation of county superintendent.

SEC. 6. *Be it further enacted*, That all amounts received or notes taken by county superintendents, under the provisions of this act, shall at once be forwarded to the superintendent of education, who shall pay the money into the State treasury as other 16th section funds, and the State Treasurer is authorized and required, under the advice and direction of the Governor, to invest the amounts so paid over, together with all other money hereafter paid in on account of the 16th section lands, in the six per cent. or other bonds of this State.

Money and notes forwarded to State Superintendent.

SEC. 7. *Be it further enacted*, That all laws in conflict with the provisions of this act are repealed.

Approved March 1, 1881.

No. 88.]

AN ACT

[n. n. 175.

To regulate certificates of teachers in the public schools of Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That there are hereby established three grades of teachers' certificates, to be known as certificates of the first, second and third grades. Each certificate shall show the branches in which the holder has been examined and his relative attainment therein; *Provided*, That in no case shall any applicant receive a certificate who fails to answer less than seventy per cent. of the questions propounded by the board of examiners.

Three grades of certificates.

SEC. 2. *Be it further enacted*, That every applicant

Subjects specified for the different grades.

for a certificate shall be examined in the subjects hereinafter mentioned for the several grades respectively as follows, to-wit: For the third grade, orthography, reading, penmanship, primary arithmetic, and primary geography; for the second grade, in all the foregoing, and also in practical arithmetic, history of the United States, English grammar, intermediate geography, and elementary algebra; for the first grade, in all the foregoing, and also in higher algebra, natural philosophy, geometry, and theory and practice of teaching.

Term of certificates.

Sec. 3. *Be it further enacted*, That a third grade certificate shall be valid for one year; a second grade for two years; and a first grade for three years, in the county in which said certificates are issued.

Sec. 4. *Be it further enacted*, That all laws and parts of laws contravening the provisions of this act are hereby repealed.

Approved March 1, 1881.

No. 89.]

AN ACT

[R.B. 246.

To provide for the supervision of the public health, and for the collection of vital statistics in the several counties of the State of Alabama.

Duties of county boards of health.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That in every county in the State of Alabama in which there may be a county board of health, organized in accordance with the act of the General Assembly entitled "An act to establish boards of health in the State of Alabama," which was approved on the 19th day of February, 1875, it shall be the duty of said county board of health: (1) To supervise the administration of the health laws of the State in such county, and especially the regulations made for the protection of the public health and for the collection of vital statistics. (2) To examine into all cases of malignant, pestilential, infectious, epidemic and endemic diseases that may occur in such county, and the cause thereof, and to take such steps as may be necessary for their abatement and prevention, not inconsistent with law, and to the extent of the means placed at their disposal.

(3) To examine into all such nuisances as may tend to endanger the health of the county, and to take such steps as may be necessary for their abatement and prevention, not inconsistent with law, and to the extent of the means placed at their disposal. (4) To exercise a general supervision over the sanitary regulations of all the public institutions of the county, and including the hospitals, asylums, work-houses, prisons, markets and public schools. (5) To supervise and regulate within the county all matters pertaining to quarantines and quarantine physicians, including all measures of detention and disinfection of all vessels and vehicles, freights, and passengers coming from places against which quarantine may have been lawfully proclaimed.

Sec. 2. *Be it further enacted*, That in each and every of all such counties in this State as are indicated in the first section of this act: (1) That no person laboring under any pestilential or infectious disease shall come or be brought into any such county, or removed from place to place within the limits of any such county, except under such regulations of the county board of health as they may see fit from time to time to prescribe. (2) That no human body which has died from any pestilential or infectious disease shall be brought into any such county, or removed from place to place within the limits of any such county, except under such regulations as the county board of health may from time to time prescribe.

Rules as to infectious diseases.

Sec. 3. *Be it further enacted*, That in each and every of all such counties in this State as are indicated in the first section of this act: (1) That the county board of health shall from time to time, whenever any vacancy may exist in such office, elect a health officer for the county in accordance with the laws of the State, and fix his term of office. (2) That every such health officer shall give bond in the form prescribed by law, and to be approved by the probate judge of the county, in a sum equal to the amount of his salary for one year. (3) That every such health officer shall receive such salary as the board of county commissioners or the board of revenue may from time to time determine, to be paid out of the county treasury as are the salaries of other county officers. (4) That every such health officer may be at any time summarily removed

Health officers elected for each county.

Salary and removal from office.

from office, by the county board of health, for inefficiency or neglect of duty, or malfeasance in office, or other sufficient cause.

Duties and
powers of
health officer.

SEC. 4. *Be it further enacted.* That in each and every of all such counties in this State as are indicated in the first section of this act: (1) That it shall be the duty of the county health officer, under the direction and control of the county board of health, and in accordance with the health laws of the State, to exercise a general supervision over the sanitary interests of the county. (2) That in all cases wherein he may discover the existence of anything which in his judgment is detrimental to the health of the county, he shall promptly cause the laws applicable thereto for the correction of the evil to be enforced. (3) That if in his judgment there be no laws applicable to the correction of the evil, he shall make to the county board of health a full report of all the circumstances of the case, accompanied with his opinion as to the necessity of any special action. (4) That he shall make diligent inquiry into all cases of pestilential or infectious diseases that may occur in the county, cause immediate measures, not inconsistent with law, and to the extent of the means placed at his disposal, to be taken to prevent the spread of such diseases from such cases, and report all the facts promptly to the county board of health. (5) That he shall from time to time obtain supplies of reliable vaccine, at the expense of the county, which he shall furnish to the physicians of the county free of charge. (6) That when prepared to do so, he shall vaccinate, without charge, all such indigent persons as shall make application at his office for that purpose. (7) That he shall discharge such other executive health functions as may be from time to time ordered by the county board of health.

Registry
births and
deaths.

SEC. 5. *Be it further enacted.* That in each and every of all such counties in this State as are indicated in the first section of this act: (1) That the county health officer shall keep a book, to be styled "The Register of Births," in which he shall register all the births that may occur in the county, under such regulations as may be from time to time prescribed by the county board of health. (2) That in order that this registration of births may be adequately carried

out, every physician, every midwife, and every other person, who may attend any case of midwifery or child-birth within the limits of the county, shall make to the county health officer, and within such limit of time after its occurrence as may be from time to time prescribed by the county board of health, a full report of every such case, specifying the names of parents, the date of the birth, and the sex and color of the child, together with such other details as may be from time to time prescribed by the county board of health. (3) That the county health officer shall keep a book, to be styled "The Register of Deaths," in which he shall register all the deaths that may occur in the county, under such regulations as may be from time to time prescribed by the county board of health. (4) That the county health officer shall supervise all the certificates of death, to see that they are properly made out with the forms of the certificates and the nomenclature of the disease in accordance with the requirements of the county board of health. (5) That in all cases of death, in which no proper certificate can be otherwise obtained, the county health officer shall make out the required certificate, except that in cases which require the intervention of the coroner, that officer shall be promptly notified. (6) That in order that this registration of deaths may be adequately carried out, every physician, every midwife, and every other person, who may have been in charge of any patient at the time of death, shall make to the county health officer, and within such limit of time after its occurrence as may be from time to time prescribed by the county board of health, a full report of every such death, specifying the name, age, sex, color, date, place, and cause of death, together with such other details as may be from time to time prescribed by the county board of health. (7) That the county health officer shall keep a book, to be styled "The Register of Infectious Diseases," in which he shall register all the cases of pestilential or infectious diseases that may occur in the county, under such regulations as may be from time to time prescribed by the county board of health. (8) That in order that this registration may be adequately carried out, every physician, and every other person practicing medicine in the county, shall make to the county health officer,

Certificates of
Deaths.

Register of In-
fectious Dis-
eases.

and within such limit of time after its occurrence and recognition as may be from time to time prescribed by the county board of health, a full report of every such case of pestilential or infectious disease that he may be called upon to treat, within the limits of the county, specifying the character of the disease, the name of the patient, and the locality in which the patient is to be found, together with such other details as may be from time to time prescribed by the county board of health. (9) That every citizen or head of a family upon whose premises there may occur any case of pestilential or infectious disease, not under the charge of any physician, shall in like manner report the facts to the county health officer.

Assistant
health officer.

Sec. 6. *Be it further enacted*, That in each and every of all such counties in this State, as are indicated in the first section of this act: (1) That the county board of health shall also appoint from time to time such assistant health officers, and in such numbers, and distributed in such way through the county, as to them the public convenience may seem to require. (2) That these assistant health officers shall keep, severally, registers of births, registers of deaths, and registers of infectious diseases of the same characters as those required to be kept by the county health officers. (3) That physicians and midwives and other citizens, may report births, deaths, and cases of pestilential or infectious diseases to any of these assistant health officers, instead of to the county health officer himself, whenever they find it more convenient to do so. (4) That the same regulation that may apply, from time to time, to reports made to the county health officers shall also apply to reports made to these assistant health officers. (5) That the assistant health officers shall make such reports of the births, the deaths, and the cases of pestilential or infectious diseases registered by them as the county board of health may from time to time prescribe. (6) That the assistant health officers shall serve the county in the ways indicated without pay, and may be at any time summarily removed from office by the county board of health.

Sec. 7. *Be it further enacted*, That in each and every of all such counties in this State as are indicated in the first section of this act: (1) That the county health officer shall make to the county board of health such

weekly, monthly, and annual reports of all the business done in connection with his office, including the report on the sanitary condition of the county, the report of the births, deaths and infectious diseases, and such other reports as the said county board of health may from time to time prescribe. (2) That the county board of health shall make to the board of county commissioners or the board of revenue, as the case may be, and also in duplicate to the State board of health, and during the month of January of every year, a full and complete annual report of all the sanitary work done in the county during the preceding calendar year by them or under their orders, the said annual report to contain all the vital and sanitary statistics of the county, together with such other information and suggestions and recommendations in regard to the public health as the county board of health may deem advisable, or may be from time to time required by the board of county commissioners, or board of revenue, or by the State board of health.

Reports of
health officers
and boards of
health.

Sec. 8. *Be it further enacted*, That in each and every of all such counties as are indicated in the first section of this act: (1) That the willful failure or refusal of any physician, midwife, head of family, or other citizen to perform any of the requirements of this act, shall be accounted a misdemeanor. (2) That any physician, midwife, head of family or other citizen, so willfully offending, shall be punished, on conviction thereof before any court of competent jurisdiction, by a fine, for each and every such offense, of not less than ten dollars, nor more than fifty dollars in the case of any physician; of not less than five nor more than twenty-five dollars, in the case of any midwife, head of family or other citizen.

Penalties for
violations of
this Act.

Sec. 9. *Be it further enacted*, That in each and every of all such counties as are indicated in the first section of this act: (1) That for the purpose of securing uniformity of statistical reports, the county boards of health shall execute the provisions of this act in accordance with such regulations as may be from time to time prescribed by the State board of health. (2) That under the provisions of this act, county boards of health shall make no expenditures of money, except such as may be

Rules pre-
scribed by
State Board of
Health.

authorized from time to time by the board of county commissioners or board of revenue.

SEC. 10. *Be it further enacted*, That all acts and parts of acts in conflict with the provisions of this act be, and are, hereby repealed, and that this act shall have effect from and after its passage.

Approved February 28, 1881.

No. 90.]

AN ACT

[S. 83.

To regulate the practice of Dentistry in the State of Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama*. That from and after the passage of this act it shall be unlawful for any person to engage in the practice of dentistry in the State of Alabama, unless said person has obtained license from a board of dental examiners duly authorized and appointed by this act to issue such license; *Provided*, That dentists who have been in the regular practice of dentistry for five years next preceding the passage of this act, shall not be required to submit to an examination, and shall be entitled to license without fee, which shall be transmitted to him by mail or otherwise, upon his application, accompanied by an affidavit, to the fact of his having been in the regular practice for the required time.

Dentists must obtain license.

Exception.

SEC. 2. *Be it further enacted*. That the board of dental examiners shall consist of five (5) dental graduates, or practitioners of dentistry, who have obtained a license to practice dentistry from a medical board in this State, or from a dental board organized under this act, and who are members in good standing of the Alabama Dental Association; *Provided*, That said graduates or practitioners have been practicing dentistry in the State of Alabama for a period not less than three (3) years; *And provided further*, That the first board of examiners under this act shall consist of the present executive committee of the Alabama Dental Association, who shall hold office until the next annual meeting

Board of Examiners.

of the said association, and until their successors are elected and qualified as hereinafter provided.

Sec. 3. *Be it further enacted*, That it shall be the duty of the said Alabama Dental Association, at its annual meeting, next after the passage of this act, and every two years thereafter, to elect said board of examiners, who shall hold office for the term of two (2) years, and until their successors are elected and qualified. The president of said association shall have power to fill all vacancies in said board for unexpired terms.

Board elected
by dental as-
sociation.

Sec. 4. *Be it further enacted*, That it shall be the duty of said board of examiners:

1. To meet annually, at the time and place of meeting of the Alabama Dental Association, or oftener, at the call of any three of the members of said board. Thirty days notice must be given of the time and place of meeting of said board, said notice to be mailed to all practicing dentists in the State.

Duties of
Board.

2. To prescribe a course of reading for those who study dentistry under private instruction.

3. To grant a license to any applicant who shall furnish satisfactory evidence of having graduated and received a diploma from any incorporated dental college, or who has heretofore received a license from a medical board in this State, without examination or fee.

4. To grant license to all other applicants who undergo a satisfactory examination, who shall pay to the said board a fee of five (5) dollars for said license.

5. To keep a book in which shall be registered the names of all persons licensed to practice dentistry in this State.

Sec. 5. *Be it further enacted*, That the book so kept shall be a book of record, and a transcript from it, certified to by the officer who has it in keeping, with the common seal of said board, shall be evidence in any court of this State.

Book of rec-
ords.

Sec. 6. *Be it further enacted*, That three members of said board shall constitute a quorum for the transaction of business, and should a quorum not be present on the day appointed for its meeting, those present may adjourn, from day to day, until a quorum is present.

Quorum.

Sec. 7. *Be it further enacted*, That one member of said board may grant a license for an applicant to prac-

Temporary li-
cense.

tice, until the next regular meeting of the board, when he shall report the fact, at which time the temporary license shall expire; but such temporary license shall not be granted by a member of the board after the board has rejected the applicant.

Penalty for
practicing
without li-
cense.

SEC. 8. *Be it further enacted*, That any person who shall, in violation of this act, practice dentistry in this State for a fee or reward, shall be liable to indictment, and, on conviction, shall be fined not less than fifty nor more than three hundred dollars; *Provided*, That nothing in this act shall be construed to prevent persons from extracting teeth.

SEC. 9. *Be it further enacted*, That on the trial of such indictment it shall be incumbent upon the defendant, to exempt him from the penalties of this act, to show that he has authority under the law to practice dentistry in this State.

Probate judge
must endorse
license.

SEC. 10. *Be it further enacted*, That every person to whom a license is issued by said board of examiners shall, within thirty days from the date thereof, present the same to the judge of the probate court of the county in which he resides, who shall officially endorse said license and seal it with the seal of the court, and who shall record said license in a proper book in his office, and who shall be entitled to receive a fee of one (1) dollar for his services, but a temporary license issued under section 7 of this act need not be sealed or recorded.

Duty of solic-
itors.

SEC. 11. *Be it further enacted*, That it shall be the duty of the solicitors of this State, to prosecute all persons violating all or any portion of this act.

SEC. 12. *Be it further enacted*, That all laws or parts of laws in conflict with this act be, and the same are, hereby repealed.

Approved February 11, 1881.

No. 91.]

AN ACT

[H. R. 171.

To provide for the regulation of railroad companies and persons operating railroads in this State.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the main track of every railroad in this

State is a public highway, over which all persons have equal rights of transportation for passengers and freights, on the payment of just compensation to the owner of the railroad for such transportation; and any person or corporation engaged in the business of transporting passengers or freights over any railroad in this State, who shall exact and receive for any such transportation more than just compensation for the services rendered, or demands more than the rates specified in any bill of lading issued by such person or corporation, or who for his or its advantage, or for the advantage of any connecting line, or of any person or locality, shall make any unjust discrimination in transportation against any individual, locality or corporation, shall be guilty of extortion, and in every case it shall be for the jury to determine, from all the evidence, whether more than just compensation was exacted and received, or whether any such discrimination in transportation which may be established by the evidence against the individual, locality, or corporation, as the case may be, was made for the benefit or advantage of the person or corporation operating such railroad, or of any person or locality; *Provided*, That nothing in this act shall be construed to prevent contracts for special rates for the purpose of developing any industrial enterprise, or to prevent the execution of any such contract now existing.

Sec. 2. *Be it further enacted*, That the party injured may recover of the person or corporation guilty of extortion, as defined in this act, twice the amount of damages sustained by the overcharge or unjust discrimination, as the case may be, and a reasonable fee for the counsel prosecuting the case, in any court having jurisdiction of the amount, in any county where the person or corporation operating the railroad does business; but if it appears that the service in which the extortion was committed was done at rates or upon terms previously approved by the railroad commission hereinafter established, only actual damages, and no attorney's fee, shall be recovered.

Sec. 3. *Be it further enacted*, That in all suits to recover damages for extortion, in respect to any transportation done at rates or upon terms not higher than those previously approved by the railroad commission, the plaintiff, if he fail in the suit, shall pay the costs,

Railroads de-
clared public
highways.

Extortion.

Railroads may
make contracts
for special
rates.

Damages for
extortion.

Costs.

and also a reasonable attorney's fee to the defendant for defending the cause, the amount to be determined by the court in which the case is tried, or by a jury, if demanded by either party.

Penalty for extortionate charges.

SEC. 4. *Be it further enacted*, That any person or corporation who shall commit extortion, as defined by this act, willfully, shall be deemed guilty of a misdemeanor, and on conviction shall be fined not less than ten nor more than five hundred dollars for each offense; but no such extortion shall be deemed willful, unless committed by a person or corporation which has failed or refused to submit his or its tariff of charges to the railroad commission hereinafter established, or having so submitted the same, has refused to conform such tariff to the requirements of the commission.

Evidence for defendant.

SEC. 5. *Be it further enacted*, That in all suits or proceedings under this statute, the defendant may give in evidence the fact that the rates or terms, in respect to which extortion is alleged, had been previously approved by the railroad commission hereinafter established, and such approval shall be *prima facie* evidence that such rates or terms were not extortionate.

Extortion defined.

SEC. 6. *Be it further enacted*, That no rates, or charge for service, in the transportation of freight over any railroad, shall be held or considered extortionate or excessive under any proceeding under this act, if it appears from the evidence that the net earnings of such railroad for transporting freights, if done without unjust discrimination, on the basis of such rate or charge, together with the net earnings from its passenger and other traffic, would not amount to more than a fair and just return on the value of such railroad, its appurtenances and equipments.

When actions must begin.

SEC. 7. *Be it further enacted*, That all actions to recover damages under this act shall be commenced within ninety days after the cause of action accrues.

When Act takes effect.

SEC. 8. *Be it further enacted*, That the foregoing sections of this act shall not take effect until after the first day of June, 1884.

Railroads must publish rates.

SEC. 9. *Be it further enacted*, That it shall be the duty of all persons or corporations in this State who shall own or operate any railroad therein, to publish, by posting at all the depots the tariffs of rates for transporting freight, showing the rates for each class,

including general and special rates, and it shall be unlawful for such person or corporation to make any reduction or rebate from such tariff in favor of any person or corporation which shall not be made in favor of all other persons or corporations by a change in such published rates; but special rates may be given to any person or corporation to aid him or it in developing any industrial enterprise, but such special rates must be published as the general rates are.

Sec. 10. *Be it further enacted*, That any person or corporation who shall make any reduction or rebate prohibited by the preceding section, shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than ten nor more than five hundred dollars.

Punishment
for rebates or
reductions.

Sec. 11. *Be it further enacted*, That any person who knowingly receives the benefit of any such reduction or rebate shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than ten nor more than five hundred dollars.

Sec. 12. *Be it further enacted*, That this act shall not prevent any railroad company from transporting freight free of charge.

Free transpor-
tation allowed.

Sec. 13. *Be it further enacted*, That a commission is hereby established consisting of a president and two associate commissioners to be known as the Railroad Commissioners of Alabama. It shall be the duty of the Governor to nominate and send to the Senate the names of three competent persons for the office of president, and of six competent persons for the offices of associate commissioners, and the Senate shall select by a majority vote, from the persons thus nominated for said offices respectively, the president and two associate commissioners, but the Senate may reject all the persons nominated for the offices of president and associate commissioners respectively; and in case of the rejection of the persons nominated for president, it shall be the duty of the Governor to nominate three other persons for that office, from whom the Senate shall select a president, and in case the Senate refuses to select from the persons nominated for the office of associate commissioner, either or both of the associate commissioners, the Governor shall nominate three other persons for each of said offices not filled, from those first nominated, and from the persons thus nominated the

The railroad
commission—
how formed.

Senate shall make the selection, and such rejections and re-nominations may be made until all the offices have been filled.

Commissioners
shall be State
officers

Sec. 14. *Be it further enacted*, That said railroad commissioners shall be State officers, and before entering on their duties, shall take the oath of office prescribed for other State officers, and may be impeached and removed from office by the supreme court, for the same causes, and in the same manner as other State officers; they shall hold office for two years, and until their successors, respectively, are duly elected or appointed and qualified, and any vacancy shall be filled by the Governor; the person so appointed shall hold office until his successor is duly appointed, confirmed and qualified as above provided. No person in the employ of any

Who may not
be appointed.

railroad corporation, or other person owning or operating a railroad in this State, or owning any stock in any railroad corporation, shall be nominated by the Governor as a member of such commission, and any commissioner who shall accept any gift, gratuity, emolument, or employment from any person or corporation owning or operating a railroad in this State, during his continuance in office, except a permit for himself to pass over the railroad of such person or corporation, shall forfeit his office, and may be impeached and removed from office for that cause, as well as for any of the causes specified by law for the impeachment of other State officers.

May be im-
peached.

Commission to
consider all
rates and tar-
iffs.

Sec. 15. *Be it further enacted*, That it shall be the duty of the commission to consider and carefully revise all tariffs of charges for transportation submitted to the commission by any person or corporation owning or operating a railroad in this State; and if, in the judgment of the commission, any such charge is more than just compensation for the service for which it is proposed to be made, or if any such charges amount to unjust discrimination against any person, locality or corporation, the commission shall notify the party submitting the same, of the changes necessary to reduce the rate of charges to just compensation, and to avoid unjust discrimination; when such changes are made by the party submitting the tariff, or when none are deemed proper and expedient, the members of the commission shall

append a certificate of its approval to such tariff of charges.

Sec. 16. *Be it further enacted*, That it shall be the duty of said commission to hear all complaints made by any person against any such tariff of rates so approved, on the ground that the same, in any respect, is for more than just compensation, or that such charges, or any of them, amount to or operate so as to effect unjust discrimination; such complaint must be in writing and specify the items in the tariff against which complaint is made, and if it appears to the commission that there may be justice in the complaint, or that the matter ought to be investigated, the commission shall forthwith furnish to the person or corporation operating the railroad, a copy of the complaint, together with notice, that at a time and place stated in the notice, the tariff as to said items will be revised by the commission, and at such time and place it shall be the duty of the commission to hear the parties to the controversy, or by counsel, and such evidence as may be offered, oral or in writing, and may examine witnesses on oath, conforming to the mode of proceedings, as nearly as may be convenient, to that required of arbitrators, giving such time and latitude to each side, and regulating the opening and conclusion of any argument, as the commission may consider best adapted to arrive at the truth; and when the hearing is concluded, the commission shall give notice of any changes deemed proper by them to be made, to the person or corporation operating the railroad.

Commissioners may hear complaints and evidence

Sec. 17. *Be it further enacted*, That said commission shall have an office at the capitol, and shall meet there on the first Monday in every month, except September, and shall remain in session until all business before them is disposed of; and shall hold other sessions, and at such times and places, as may be necessary for the proper discharge of their duties, or as the convenience of parties, in the judgment of the commission, may require. The president of the commission shall receive a salary of thirty-five hundred dollars, and the associate commissioners shall each receive a salary of three thousand dollars per annum, to be paid as the salaries of other State officers, and the commissioners may employ a clerk at a salary not exceeding fifteen hun-

Time and place of meeting.

Salary

dred dollars per annum, to be paid in like manner. It shall be the duty of the commission to keep a record of all its proceedings, which shall be open at all times to the inspection of the public.

Railroads must
make annual
returns to State
Auditor.

Sec. 18. *Be it further enacted*, That it shall be the duty of every person, company, or corporation operating any railroad in this State to make a return to the Auditor at the time of returning its property for taxation in each year of the gross earnings of such railroad during the preceding year, and if such railroad is partly in another State, the gross proceeds shall be apportioned to each mile of main track on the whole road, and the sum thus apportioned to the miles of the main track of the whole road, and the sum thus apportioned to the miles of main track in this State, shall be considered the gross earnings of such railroad in this State. In the event of failure to make such return of gross earnings, the Auditor shall ascertain and assess

Auditor assess-
es tax.

the same from information. The Auditor must then ascertain what per centage on the aggregate of gross earnings, thus returned or assessed, will be sufficient to pay the expenses of the commission authorized by law, and assess a license-tax against every such railroad for the amount of such per centage on its gross earnings. It shall be the duty of every person, company or corporation operating a railroad in this State, to pay the tax so assessed to the Treasurer of the State on or before the first day of June in each year. Upon production of the Treasurer's receipt for such tax to the Auditor and upon satisfactory evidence that the party paying the same is prepared to transport freight and passengers with reasonable safety over such railroad, the Auditor shall issue to such party a license to operate said railroad for one year. Any person, company or corporation operating a railroad in this State, on or after the first day of June, 1881, without a license, shall forfeit one hundred dollars for each day while so engaged, one-half to be paid to any person suing for the same, and the other half into the State treasury.

License issued.

Penalty for op-
erating rail-
road without
license.

SEC. 19. *Be it further enacted*, That all money paid out under this act, shall be paid on warrant of the Auditor to the Treasurer, as by law provided, including such sum as may be necessary to procure office furniture, stationery, and other office expenses, including rent of

Office expen-
ses.

office of said commission; *Provided*, Such office expenses shall not exceed \$500 per annum.

SEC. 20. *Be it further enacted*, That whenever, in the judgment of the railroad commission, it shall appear that repairs are necessary upon any such railroad, or that any addition to the rolling stock, or any addition to or change of the stations, or station houses, or any change in the rates of fares, for transporting freight or passengers, or any change in the mode of operating the road and conducting its business, is reasonable and expedient, in order to promote the security, convenience and accommodation of the public, they shall give information in writing, to the corporation, of the improvements and changes which they adjudge to be proper, and a report of the proceedings shall be included in the annual report of the commission to the legislature.

Commission to give notice of needed repairs, &c. on railroads.

SEC. 21. *Be it further enacted*, That the said commissioners shall have the right to pass free of charge, in the performance of their duties on all the railroads in the State, and to take with them any person in their official employment. That the said commission shall have general supervision over all the railroads of Alabama, and shall examine the same, from time to time, and keep themselves informed as to their condition, and the manner in which they are operated, with reference to the security and accommodation of the public, and the compliance of the several corporations with their charters and the laws of the State.

Commission to supervise and examine railroads.

SEC. 22. *Be it further enacted*, That said commissioners shall, as often as they deem it necessary, examine the several railroads in this State, and shall recommend in writing to the several railroad companies, or any of them, from time to time, the adoption of such measures and regulations as said commissioners deem conducive to the public safety and interest.

SEC. 23. *Be it further enacted*, That the managers operating the several railroads of this State, shall furnish the said commissioners with all the information required relative to the management of their respective lines, and particularly with copies of all leases, contracts and agreements for transportation with express, sleeping car or other companies, to which they are parties.

Managers of railroads must furnish information.

SEC. 24. *Be it further enacted*, That whenever the

Railroads to be
fenced in cer-
tain cases.

commissioners deem it necessary that any railroad or portion thereof should be fenced, they shall notify the corporation or person operating such railroad thereof, and designate which should be fenced, and upon failure of any such railroad company, after reasonable notice to fence such portion of its line, such railroad company shall be liable in damages, for the value of any stock killed or injured, with or without negligence, upon the portion of its line so designated to be fenced; and no liability shall attach for stock killed or injured on that portion of the line fenced in the manner designated by said commissioners, unless such killing or injury was inflicted willfully or wantonly. And any person wantonly, willfully or intentionally disturbing any railroad fence, or any part thereof, shall be guilty of a misdemeanor, and on conviction thereof, shall be fined not less than ten, nor more than five hundred dollars, or sentenced to imprisonment, or hard labor for the county for not less than ten days nor more than twelve months.

Fines for in-
juring such
fence.

Railroads must
make annual
reports.

Sec. 25. *Be it further enacted*, That the several companies, trustees or receivers, or other persons operating railroads in this State, be, and they are, hereby required to make annual returns of their business to the board of commissioners on or before the first day of September of each year, made up to the close of business on the thirtieth day of June next preceding; which annual returns shall be made in duplicate, in the manner prescribed by said commissioners upon blank forms to be furnished by said commissioners to said railroad companies; any railroad company which shall neglect or refuse to make such returns shall forfeit to the State fifty dollars for each day of such refusal or neglect.

Accident must
be reported to
the commis-
sioners.

Sec. 26. *Be it further enacted*, That every railroad company shall, within twenty-four hours after the occurrence of any accident to a train, attended with serious personal injury, on any portion of its line within the limits of this State, give notice of the same to the railroad commissioners, who, upon receiving such notice, or upon public rumor of such accident, may repair or dispatch one or more of their number to the scene of said accident, and inquire into the facts and circumstances thereof, which shall be recorded in the minutes

of their proceedings and embraced in their annual reports.

Sec. 27. *Be it further enacted*, That the said commissioners may summon and examine, under oath, such witnesses as they may think proper, in relation to the affairs of any railroad company; and whoever shall refuse, without justifiable cause, to appear and testify, after being duly cited, or shall obstruct any railroad commissioner in the discharge of his duties, shall be fined not exceeding one thousand dollars, or imprisonment not exceeding one year, or both.

Testimony in relation to affairs of railroad.

Sec. 28. *Be it further enacted*, That the board, through their chairman, shall make annual reports to the Governor, on or before the first day of November in each year, for transmission to the Legislature, of their doings for the year ending on the thirtieth day of June next preceding, containing such facts as will disclose the actual working of the railway system in this State, and such suggestions, as to the general railroad policy of the State, as may seem to them appropriate. They shall also submit such recommendations for further legislation upon the subject of railroads as they may deem necessary or advisable for the interests of the State.

Commissioners must make annual reports.

Sec. 29. *Be it further enacted*, That on the application, in writing, of a director, or of any person or persons owning one-fiftieth part of the entire paid in capital stock of any corporation operating a railroad, or the bonds or other evidences of indebtedness of such corporation, equal in amount to one-fiftieth part of its paid in capital stock, the railroad commissioners shall make an examination into the books and financial condition of such corporation, and may, in their discretion, cause the same to be published in one or more newspapers in this State.

Books may be examined.

Sec. 30. *Be it further enacted*, That the railroad commissioners shall have, at all times, access to the list of stockholders of every corporation operating a railroad in this State, and may, in their discretion, at any time cause the same to be copied, in whole or in part, for their own information or for the information of persons owning stock in such corporation.

Sec. 31. *Be it further enacted*, That it shall be the duty of the railroad commission, by correspondence,

Commissioners
may corre-
pond with
those of other
States,

convention, or otherwise, to confer with the railroad commissioners of other States of the Union, and with such persons from States having no railroad commissioners as the Governor of such States may appoint, for the purpose of agreeing, if practicable, upon a draft of statutes to be submitted to the Legislature of each State, which shall secure such uniform control of railroad transportation in the several States, and from one State into or through another State, as will best subserve the interest of trade and commerce of the whole country; and said commission shall include in their annual report to the Governor an abstract of the proceedings of any such conference or convention.

Sec. 32. *Be it further enacted*, That no person holding the office of railroad commissioner, or of clerk for the railroad commission, shall, during his continuance in office, personally or through any partner or agent render any professional services or make or perform any business contracts with or for any railroad owned or operated in this State, excepting contracts made with such railroad in its capacity as common carrier.

Act not to af-
fect rights or
liabilities of
corporations

Sec. 33. *Be it further enacted*, That nothing in this act contained shall be construed to affect in any manner or degree, the legal duties, rights and obligations of any railroad corporation, or other person owning or operating any railroad in this State, or its legal liability for the consequences of its neglect or mismanagement, whether adjudged by said commission to be reasonable, expedient and proper or not. But when in any case any railroad corporation or person operating, owning or controlling any railroad in this State, has adopted the recommendation or advice of the commission, proof of such fact shall be received in all courts, or other proceedings, at law or in equity, or before any officer, as *prima facie* evidence that the thing done, or omitted to be done, was right and proper.

Witness fees

Sec. 34. *Be it further enacted*, That witnesses summoned to appear before said commission, shall be entitled to the same *per diem* and mileage as witnesses attending the circuit court. Witnesses summoned by the commissioner shall be paid by warrant on the treasury to be drawn by the Auditor, on the certificate of the president of the board of the amount to which

such witness is entitled. Witnesses summoned by any party to be paid by the party by whom they are summoned.

SEC. 35. *Be it further enacted*, That said railroad commission shall, on notice by the Governor, attend all meetings of the board of equalization on railroad property, as provided for in section 383 of the Code of Alabama, and give said board of equalization all information in their possession that may be desired to assist said board in the assessment of the railroad property of this State.

Commissioners to attend meetings of board of equalization.

SEC. 36. *Be it further enacted*, That for the payment of the salaries of the officers, and all other expenses herein provided for, the sum of twelve thousand five hundred dollars per annum for two years, or so much thereof as shall be necessary, is hereby appropriated out of any money in the State treasury not otherwise appropriated.

Appropriation.

Approved February 26, 1881.

No. 92.]

AN ACT

[s. 317.

To carry into effect the provisions of Section 21, Article XIV, of the Constitution of the State of Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That it shall be the duty of the conductor, or any person running or controlling the running of any railroad train in this State, which passes by, or within two hundred feet of, any depot or station of another railroad, for the reception of passengers or freight, located within two hundred yards of any railroad crossing of said railroad, to stop such train at or opposite such depot or station long enough for, and to take on and let off, any passenger and his or her baggage, who wishes to get on or off such train, and to take and receive all freight for such train therefrom, and deliver all freight thereat, directed by the person forwarding any freight to be taken from or delivered at such depot, or station, *Provided*, Such passenger shall pay or offer to pay the usual fare for passage and transportation of such baggage. And the person forwarding

Railroad trains must stop at crossing points of each other—rules and regulations as to receiving passengers baggage and freight.

or receiving such freight shall pay or offer to pay the usual charges for such freight to the proper person to receive such fare and charges. *Provided*, That where two railroads have a common terminus in any town or city or run their cars to such common terminus, and cross each other before reaching such town or city, such railroads shall not charge a less rate per mile for freight or passengers between such common terminus and such crossing than they charge per mile over the whole length of their respective lines.

Penalty for
failing to comply.

SEC. 2. *Be it further enacted*, That any conductor, or person mentioned in the first section of this act; who shall fail or refuse to comply with any of the provisions of the first section of this act, shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than fifty dollars, and not more than five hundred dollars; one-half of the fine to go to the county, and the other half to the informer, and such informer shall be a competent witness on the trial of such misdemeanor.

SEC. 3. *Be it further enacted*, That this act shall be in force from the passage thereof.

Approved February 19, 1881.

No. 93.]

AN ACT

[s. 207.

To regulate the transaction of business between connecting railroads.

Each railroad
must draw pas-
sengers and
freight of other
roads in the
State.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That every corporation, or other person operating a railroad in this State, shall, at reasonable terms and for a reasonable compensation, draw over the same the passengers, merchandise and cars (if adapted to the guage) of any other corporation, or person running or operating a railroad in this State, directly or indirectly connecting therewith. If the persons, or corporations owning and operating railroads directly or indirectly connected, cannot agree upon the stated periods at which the passengers, merchandise, or cars of either shall be so received or drawn over the other, or as to the compensation to be paid, or as to the pro-

portion in which the compensation for the whole transportation of such passengers or freight shall be divided, or shared between them, or as to the depot accommodations or facilities for transferring passengers or freights from one road to the other at the point of connection, either party may file a petition to the chancellor, in any chancery district in which the other party does business, stating the disagreement, and it shall be the duty of the chancellor, either in term time or vacation, to appoint three commissioners, who, after due notice to, and hearing of the parties interested, shall determine such rate of compensation, and fix such periods and all terms upon which such persons, or companies, shall do business with each other, in respect to which they cannot agree, having reference to the convenience and interest of the corporations or persons owning the railroads, and the public to be accommodated thereby, and the award of said commissioners, or a majority of them, shall be binding upon the respective corporations or persons interested therein, until the same shall have been revised or altered by commissioners appointed in like manner. The party filing the petition must serve a copy thereof on the opposite party at least ten days before the hearing, and if the same is heard in vacation, must give ten days notice of the time and place when the petition will be heard.

Proceedings in case of failure to agree as to time and terms.

SEC. 2. *Be it further enacted*, That the award of the commissioners must be filed with the register of the court in which the petition was filed, and either party may file exceptions to the award at any time within thirty days thereafter, and on hearing the exceptions the chancellor may, for good cause shown, annul the award and issue another commission; if no exceptions are filed to such award within thirty days after the same is filed, or if the exceptions are overruled, such awards shall thenceforward be binding upon both parties, and may be enforced, if necessary, by injunction or other proper process, as a decree of such chancery court.

Chancellor may annul award in certain cases, but otherwise binding on both parties.

SEC. 3. *Be it further enacted*, That either of the parties to any such award may, at any time after the expiration of one year from the time the same takes effect, file a petition to revive, alter, or amend the same, and the same proceedings shall thereupon be had as upon an original petition.

Either party in twelve months may petition for changes, &c.

In case of Railroad Commissioners appointment they are to act as to matters in first and second sections.

SEC. 4. *Be it further enacted*, That if the present, or any future General Assembly, shall by law provide for the appointment of [three] commissioners of railroads, and such commissioners are elected or appointed, it shall be the duty of the chancellor to issue the commission required by the first and second sections of this act to said railroad commissioners.

Penalty for violation.

SEC. 5. *Be it further enacted*, That any person or corporation owning or operating a railroad, who shall knowingly disregard or violate the provisions of any award of commissioners under this act, to which such person or corporation was a party, shall forfeit two hundred dollars for each day such disregard or violation shall continue, to be recovered by action of debt in the name of the State, one-half to be paid to any person who sues for the same, and the other half shall be paid into the treasury of the State.

SEC. 6. *Be it further enacted*, That any officer or agent of any corporation or person owning or operating a railroad in this State, who shall knowingly disregard or violate the terms of any award under this act, binding on such corporation or person, shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than ten, nor more than five hundred dollars.

Changes by consent in writing.

SEC. 7. *Be it further enacted*, That the party to any award made under this act may, by agreement between them in writing, modify or change any provisions of such award, and thenceforward such award, so modified or changed by such agreement in writing, shall be of the same force and effect as if originally so made; *Provided*, This act shall not apply to any crossing of two railroads which have a common terminus in any town or city, or run their cars to such town or city, as to freight and passengers between such common terminus and such crossing.

Approved March 1, 1881.

No. 94.]

AN ACT

[s. 373.]

In execution of the power of the State of Alabama in relation to the lands granted to this State which are within fifteen miles from, and on each side of the line of the railroad heretofore known as the Alabama and Chattanooga Railroad, by the act of Congress of June 3, 1856, entitled "An act granting public lands in alternate sections to the State of Alabama to aid in the construction of certain railroads in said State," and the act of Congress of April 10, 1869, entitled "An act to renew certain grants of land to the State of Alabama."

WHEREAS, by the aforementioned act of Congress of April 10, 1869, so much of the grant of lands made to the State of Alabama by the aforementioned act of Congress of June 3, 1856, as were granted to assist in the building of railroads from near Gadsden to some point on the Alabama and Mississippi State line, in a direction to the Mobile and Ohio railroad, and from Gadsden to connect with the Georgia and Tennessee and Tennessee line of railroads through Chattooga, Wills and Lookout Valleys, was revived and renewed, subject to the conditions and restrictions provided in said act of April 10, 1869; whereas, in 1868, the two railroads mentioned and referred to in said act of April 10, 1869, and also hereinabove mentioned and referred to, become one railroad, which from 1868 to 1877 was known as the Alabama and Chattanooga railroad, and extends from Meridian, in the State of Mississippi, (where it connects with the Mobile and Ohio railroad,) in a northeastern direction through Alabama and near Gadsden, and through the said valleys and through Georgia, to or near Chattanooga, Tennessee, where it connects with the Georgia and Tennessee, and Tennessee line of railroads; whereas, the building and construction of said Alabama and Chattanooga railroad was completed in May, 1871, and within the three years allowed for its completion by the said act of April, 1856, and is still in full operation; whereas, the said Alabama and Chattanooga railroad is the only railroad mentioned or referred to

Preamble.

in either of said acts of Congress which has ever been completed from or near Gadsden, to or near any other point or place referred to in either of said acts of Congress, or from or near any other point or place referred to in those acts to or near Gadsden; whereas, no railroad has ever been built or completed from Elyton to the Tennessee river, at or near Beard's Bluff, Alabama; whereas, the completion of the said Alabama and Chattanooga railroad in May, 1871, upon the state of facts then existing, equitably entitled the then owners of that completed railroad, or those lawfully and in good faith claiming under those owners, as against all uncompleted railroads as to which there never has been any revival or renewal of any grant made by the said act of June 3, 1856, to all the lands granted in any manner to this State by said acts of Congress which are within fifteen miles from, and on each side of the line of the said Alabama and Chattanooga railroad; whereas, all the rights and titles, legal and equitable, in or to the said last mentioned lands which said owners of said completed railroad ever had or acquired, under or by virtue of said acts of Congress, and by said completion of said completed railroad, have duly passed to and vested in the trustees, John Swann and John A. Billups, appointed under an act of the General Assembly of Alabama, approved February 23, 1876, entitled "An act to ratify and confirm the settlement of the existing indebtedness of this State, as proposed in the report of the commissioners appointed under the act approved the 17th, of December, 1874, and which was communicated to the General Assembly by message of the Governor of the 24th, of January, 1876, and to carry said settlement into effect by the issuance of new bonds of this State, at a reduced rate of interest, in adjustment of a portion of said indebtedness, and the surrender of certain securities held by the State in discharge of another portion of said indebtedness," subject to all the trusts, powers, limitations and duties of said trustees as provided by said last mentioned act; therefore,

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the aforesaid trustees, John Swann and

John A. Billups, as such trustees, are hereby declared to be entitled to all the lands granted to this State or made subject to the disposal of its Legislature by said acts of Congress, which are within fifteen miles from and on each side of the line of the aforesaid Alabama and Chattanooga railroad, however said railroad, or the parts thereof, may be described in said acts of Congress (except only as otherwise hereinafter clearly provided,) and to all such other evidences or assurances of a full and complete title thereto as may be needful, subject, however, to all the trusts, limitations, powers and duties of said trustees, as provided by said act of February 23, 1876; *Provided*, That nothing in this act shall be construed to interfere in any manner with any of said lands, which may have been heretofore granted, or set apart by partition, agreement or otherwise, to the South and North Alabama railroad company and to the Selma, Rome & Dalton railroad company; *Provided further*, That nothing contained in this act shall be construed to impair or affect any existing legal or equitable right of any purchaser who purchased any portion of said lands in good faith, under and pursuant to the authority of an act of the Legislature of this State, approved February 11, 1870, entitled "An act to loan the credit of the State of Alabama to the Alabama and Chattanooga railroad company, for the purpose of expediting the construction of the railroad of said company within the State of Alabama."

Trustees declared entitled to lands.

Proviso.

SEC. 2. *Be it further enacted*, That the proper department and officers of the government of the United States, respectively, are hereby requested to issue to said trustees all such other and further evidence or assurance of title to the lands embraced by the first section of this act, as may be needful to show a complete and perfect title in said trustees to the same.

Government of U. S. requested to make title.

SEC. 3. *Be it further enacted*, That all acts, resolutions and laws, or parts of acts, resolutions and laws, purporting to grant any part of said lands embraced in the first section of this act, in conflict with this act, or any of its provisions, are hereby repealed; *Provided*, That the claim alleged on the part of the Tennessee and Coosa railroad company to a moiety of such of said lands as are situated within the conflicting and overlapping limits of its road, and of the said Ala-

Former Acts repealed.

Proviso.

bama and Chattanooga railroad, by reason of the fact that before June, 1866, the said Tennessee and Coosa railroad company had graded the larger portion of its railroad from Guntersville to Gadsden, Alabama, shall not be prejudiced by anything contained in this act, until the acting board of directors, or acting president of said Tennessee and Coosa railroad company shall consent in writing that the title, or evidences of title, to all of said lands embraced within said conflicting and overlapping limits may be issued, made and delivered to the said trustees or their successors; and whereas, under and by virtue of the provisions of the 19th section of an act of the General Assembly of Alabama, approved February 23, 1876, the said Billups and said Swann, as such trustees, are required to first pay into the treasury of this State ten per centum of the net proceeds of the sale of the lands mentioned in said act, until the State shall be reimbursed for the whole amount of interest heretofore paid by the State upon the bonds mentioned in the 15th section of said act, approved February 23, 1876; and whereas, the amount of interest heretofore paid the State is undetermined and uncertain; therefore,

Governor may
compromise.

SEC. 4. *Be it further enacted*, That the Governor be, and he is, hereby authorized and empowered to adjust, compromise and settle with the said bondholders, as he may deem best for the interests of the State, and in such amount as the Governor and said bondholders may agree upon, not less than forty thousand dollars in net cash into the State treasury.

Limitations of
the Act.

SEC. 5. *Be it further enacted*, That the provisions of this act shall not become operative, or go into effect until, and unless, within twelve months from the approval of this act, the settlement and payment provided for in the 4th section of this act are made and fully executed, and when said settlement and payment are made and executed as aforesaid, the amount so paid into the treasury of the State by said bondholders shall be in full liquidation of the claims of the State for reimbursement of the amount of interest heretofore paid by the State upon said bonds.

Approved February 28, 1881.

No. 95.]

AN ACT

[s. 197.]

*For the organization and discipline of the volunteer forces of Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the volunteer forces of the State now organized under the provisions of "An act for the more efficient organization of the volunteer militia of Alabama," approved February 9, 1877, and that may hereafter be organized under the provisions of this act, shall be known and designated as the "Alabama State Troops." Designation of forces.

SEC. 2. *Be it further enacted,* That the Governor is commander-in-chief of the Alabama State troops. Commander-in-chief.

SEC. 3. *Be it further enacted,* That the staff of the Governor shall consist of the following officers, to be appointed by him, who shall be commissioned as officers of the Alabama State troops, holding office at the pleasure of the commander-in-chief, or until their successors are appointed and qualified, to-wit: one adjutant-general, with the rank of colonel of cavalry; one inspector-general, with the rank of colonel of cavalry; one judge-advocate-general, with the rank of colonel of cavalry; one quartermaster-general, with the rank of colonel of cavalry; and four aides-de-camp, with the rank of lieutenant-colonel of cavalry. Governor's staff.

Duties of the Adjutant-General.—The adjutant-general shall be chief of staff to the Governor; he shall keep and preserve the arms, accoutrements, and other military stores of the State, and keep a roster of all the officers of the Alabama State troops, and keep on file in his office all reports made to him. It shall also be the duty of the said adjutant-general, from time to time, as may be necessary, to cause so much of the militia laws and laws relating to the volunteer forces of the State as shall be in force, to be printed and bound in proper form and distributed, one to each commissioned officer, and also to prepare and publish all necessary blank books, blank forms and notices, and furnish them to the State troops, at the expense of the State; and the Auditor is hereby directed to draw his warrant on the Treasurer of the State for the expenses incurred under this section. And the said adjutant- Adjutant-general.

general shall perform such other duties as may be required of him by the Governor.

(Inspector-general.

Inspector-General.—It shall be the duty of the inspector-general to visit the several encampments, which shall be ordered by the commander-in-chief, and ascertain whether the troops have been properly instructed in the exercises and evolutions of the field, and orders he may issue for such purpose shall be promptly obeyed. He shall be chief inspecting officer of the State, and perform such other duties as may be required of him by the Governor.

Judge advocate general.

Judge-Advocate-General.—It shall be the duty of the judge-advocate-general to supervise and care for the management of all things relating to the administration of justice among the military forces of this State. He shall diligently scrutinize and examine the proceedings of all courts-martial, and report thereon for the information of the commander-in-chief. He shall also, in like manner, report in all cases of disputed elections for an office which is filled by election, under the provisions of this act. Under the orders of the commander-in-chief the judge-advocate-general shall act as judge-advocate of any court-martial where the public interests may require his attendance. He is chief of his department, and shall perform such other duties as may be required of him by the commander-in-chief.

The Quartermaster-General and Aides-de-Camp shall perform such of the duties as pertain to their respective offices, as may be directed by the Governor.

Organizing companies.

SEC. 4. *Be it further enacted,* That upon the written petition of forty or more persons, liable to military duty under the constitution, addressed to the adjutant-general, and setting forth that the petitioners desire to form a military company, under the laws regulating the volunteer militia of this State, recommending for appointment a suitable person to organize the same, and setting forth the name by which said company shall be designated, and the place where the same is to be organized and located, the Governor may, in his discretion, issue to such person, so recommended, a commission authorizing him to organize such company, by providing a time and place for the election, by written or printed ballots, of commissioned officers, as follows: For each infantry or cavalry company, one

captain, one first and one second lieutenant; for each artillery company, one captain, and one first lieutenant and junior first lieutenant, and one second lieutenant; said commissioned officers to hold office for three years, unless sooner duly removed. That after the election of said commissioned officers, said company shall be considered as duly organized, and the commanding officer shall forthwith appoint, from the members of said company, the proper non-commissioned officers as prescribed in the regulations and tactics at the time in use in the respective branches of service of the United States army; such non-commissioned officers to hold office for one year, unless re-appointed; *Provided*, That by written resolution, adopted by two-thirds of the members of any company, the non-commissioned officers may be elected by a majority vote of the members of said company; in which case the captain shall not have the power of appointment; but such captain or other commissioned officer of any such company may refuse to approve the election of any such non-commissioned officers; in which case the said company may elect another member to fill the vacancy, and if they fail to do so, the same may be filled by appointment of the commanding officer of the company; *Provided further*, That no company organized under the provisions of this act shall number less than forty, nor more than one hundred, including officers and men, excepting artillery and cavalry companies, which may number not more than one hundred and twenty officers and men.

Election of officers.

Number of men in a company.

SEC. 5. *Be it further enacted*, That after the organization of any company as provided in the preceding section, and the appointment or election of non-commissioned officers, the person commissioned to organize said company shall certify under oath the fact of such organization, the number and names of members enrolled in said company, and the names of the commissioned officers so elected, which certificate shall be duly filed in the office of the adjutant-general. After the filing of said certificate, the Governor may, in his discretion, issue to the said officers their respective commissions, and the commanding officer of such company shall, within thirty days after the receipt of his commission, make and forward to the adjutant-general,

Certificate of organization.

Commission.

Muster roll
filed with ad-
jutant-general.

duly certified under oath, a muster roll, which shall contain the names, ages, and places of residence, and time of enlistment of all officers and men; which said roll, if approved by the Governor, shall be filed in the adjutant-general's office, and the said adjutant-general may, at any time, require any other or additional statement or certificate from said commanding officer, in reference to said company, and said company may increase its members by enlistment to the maximum herein provided; *Provided further*, That before any person shall be commissioned in the Alabama State troops, he shall first take and subscribe an oath that he will faithfully discharge the duties of his office, and will obey and observe the constitution of the United States and of the State, and will promptly execute and obey all lawful orders of his superior officers, and will enforce as far as in his power lies, strict discipline in his command, such oath to be taken before any officer lawfully authorized to administer oaths, or any commissioned officer of the Alabama State troops. Said officer shall not be entitled to receive any compensation for administering such oaths, and the same shall be filed in the office of the adjutant-general; *And provided further*, That the term of enlistment of all men enlisted under this act shall be three years from the date of such enlistment, unless sooner discharged.

Oath of office.

Issue of arms.

SEC. 6. *Be it further enacted*, That after any company shall have been duly organized, and its officers commissioned, it shall be the duty of the adjutant-general, from the undistributed arms belonging to the State, to issue to the commanding officer of said company, upon his furnishing satisfactory bond for the safe custody and return thereof, suitable arms and equipments and camp equipage, and may prescribe, by general or special order, rules for the use, protection and preservation of the same.

Tactics.

SEC. 7. *Be it further enacted*, That the Alabama State troops shall adopt and use the same tactics that may be in use from time to time by the army of the United States.

Apportion-
ment.

SEC. 8. *Be it further enacted*, That the apportionment of organizations hereafter to be raised and organized under the provisions of this act, throughout the

different counties, cities, and towns of this State, shall be determined by the board of apportionment.

SEC. 9. *Be it further enacted*, That within thirty days after the approval of this act, and every two years thereafter, it shall be the duty of the Governor to designate two officers of the Alabama State troops as members of the board of apportionment, and it shall also be the duty of the commanding officer of each regiment and battalion of the Alabama State troops, respectively, to designate two officers from each of said organizations to serve as members of said board, and the officers thus appointed shall, together with the adjutant-general, constitute the board of apportionment, a majority of whom shall constitute a quorum. Said board of apportionment shall meet at the capital whenever directed by the Governor, and in event of a failure to obtain a quorum at any such meeting, or if the Governor deems it inadvisable to convene the same, a majority of the members of such board of apportionment may, without convening together, consent in writing to any apportionment proposed by the adjutant-general; and such apportionment, when thus made and filed in the office of the adjutant-general, shall be as valid and binding in all respects as if ordered at a regular meeting of said board of apportionment. The apportionments made by the board may, from time to time, be changed by it; *Provided, however*, That no organization in existence at the time of such apportionment or change shall be disbanded, except as hereinafter provided. No meeting of the board of apportionment shall be held until five days notice shall be first given by publication in some newspaper published at the capital. Vacancies in the board of apportionment shall be filled as provided for original appointments.

SEC. 10. *Be it further enacted*, That all existing organizations which now constitute, or may hereafter constitute, any part of the Alabama State troops, may be disbanded in the following manner: 1st. By a vote of a majority of the whole number of persons on the roll of said organization, approved by the commanding officer of such organization and sanctioned by the Governor; 2nd. Whenever the board of apportionment shall report, in writing, to the Governor that it would be to the interest of the public service to disband such

Governor designates board of apportionment.

Duties of board.

How existing organizations may be disbanded.

organization, and the Governor shall approve such report. No such report shall, however, be made to the Governor by said board until after ten days notice of the time and place of the meeting of the board shall first have been given the commanding officer of such organization, and that evidence will then be heard as to the propriety of disbanding such organization. After giving such notice, the board shall hear such evidence as may be adduced, and shall, as speedily as practicable, determine whether it would be to the interest of the service to disband such organization, and, if a majority of the members of the board of apportionment vote that it would be to the interest of the service to disband such organization, it shall be so certified to the Governor, under the hands and seals of the president and secretary of the board of apportionment, and the Governor, if he approve such finding, shall issue the appropriate orders for the disbanding of such organization, and the safe keeping of the public property which had been entrusted to it.

Governor may
convene board
of organiza-
tion.

SEC. 11. *Be it further enacted*, That the Governor shall convene said board of apportionment to inquire into the propriety of disbanding any organization belonging to the Alabama State troops, whenever he may deem it advisable, or the adjutant-general or inspector-general shall report that such organization should be disbanded, or charges are preferred by any commissioned officer against any such organization of inefficiency, lack of discipline, or other cause, which if true would, in the opinion of the Governor, justify the disbanding of such organization.

Disqualifica-
tion of mem-
bers of board
in certain
cases.

SEC. 12. *Be it further enacted*, That whenever inquiry is made as to the propriety of disbanding any company, of which any member of the board is an officer, such officer shall be disqualified as to that particular matter, and his place shall be filled for the time being by an officer selected by the remaining members of the board present at the meeting; and so, also, when inquiry is made as to the expediency of disbanding any regiment or battalion, any member of the board who is a field or staff officer of such regiment or battalion, shall be disqualified as to such particular matter, and the vacancy shall be filled as above provided.

SEC. 13. *Be it further enacted*, That at the first meeting at which any board of apportionment organizes, it shall choose from its own members a president and also a secretary, and the members of said board shall have power to administer oaths to witnesses examined before it; and the board may summon and compel the attendance of witnesses, as is provided in case of courts martial; *Provided*, That whenever such board deems it advisable, the president thereof shall file interrogatories to any person whose testimony is required, and appoint a suitable person as commissioner to take the same, who shall have power to administer oaths and take and certify the deposition of such person.

Board may choose president and secretary.

Testimony may be taken.

SEC. 14. *Be it further enacted*, That the members of each company shall, every three (3) years, elect, by written or printed ballots, commissioned officers, who shall hold office for the ensuing (3) three years, and until their successors are duly qualified, and any vacancy shall be filled in the same manner, and any officer elected to fill such vacancy shall hold his office for the unexpired term for which he may be elected, and until his successor is duly elected and qualified.

Election of company officers.

SEC. 15. *Be it further enacted*, That whenever any officer of the State troops shall be re-elected, or re-appointed as his own successor, he shall rank from date of his original election or appointment, and such commission shall be extended by endorsement of the adjutant-general.

Date of rank.

SEC. 16. *Be it further enacted*, That whenever any battalion or regiment is organized, it shall be the duty of the adjutant-general to issue an order directing an election of the proper field officers, as hereinafter provided, and naming a time and place therefor. Whereupon, it shall be the duty of the commissioned officers of the companies, in said order named, to assemble at the designated time and place, and under the direction of the ranking officer present, to vote, by written or printed ballots, for the field officers, to which their said battalion or regiment may be entitled by the provisions of the United States army regulations in force at the time of said election; *Provided*, That it shall require a majority of the votes cast to elect; and said meeting of officers may remain in session until an

Election of field officers.

expression of the will of a majority of said board is ascertained, and if said officers fail to elect said field officers, or any one of them, within six weeks from the date of the order, it shall be the duty of the Governor to appoint said officer or officers. Such officers, when so elected, and their election certified by the presiding officer at said meeting, attested by the secretary of the same, shall be duly commissioned by the Governor, and shall hold office for three years and until their successors are duly qualified. Vacancies shall be filled by election as hereinbefore provided for election of officers.

Governor may
transfer com-
panies.

SEC. 17. *Be it further enacted*, That the Governor may transfer or detach any company from any battalion or regiment, upon the application of said company, approved by the adjutant-general. Said application to be addressed to the adjutant-general, and signed by two-thirds of the members of such company. When such company is so detached, if it is not annexed to another regiment or battalion, it is hereby authorized, in the discretion of the Governor, to exist as an independent organization, subject to all the provisions of this act.

Staff officers.

SEC. 18. *Be it further enacted*, That the colonel or commanding officer of any regiment or battalion, shall appoint the commissioned and non-commissioned staff to which said regiment or battalion may be entitled under the provisions of this act, who shall be subject to be removed at any time by such commanding officer. Regimental or battalion staff officers entitled to commissions shall be commissioned as in case of other commissioned officers, upon a certificate of appointment from such commanding officer; and shall hold office for the term of the officer making the appointment and until their successors are qualified, unless sooner removed.

Uniform.

SEC. 19. *Be it further enacted*, That any company of the Alabama State troops may adopt such uniform for its officers and men as it may deem best, and no non-commissioned officer or private, unless duly discharged, shall be allowed to leave his company and enlist in any other company, without the written consent of the commanding officer of his company; and any company may adopt such rules and qualifications

as to the admission and discharge of members as it may deem best.

SEC. 20. *Be it further enacted*, That the provisions of this act shall not interfere, or in any manner change or alter the rights and privileges allowed under certain acts of the General Assembly of Alabama heretofore passed incorporating certain military companies named in said several acts of incorporation, and forming part of the Alabama State troops.

Existing laws not changed as to companies now incorporated.

SEC. 21. *Be it further enacted*, That the Governor shall have power to order into active service the whole of the Alabama State troops, or any part thereof, as he may deem proper, for the purpose of perfecting them in military discipline and drill; the period of such service shall be fixed by the Governor; *Provided*, That any company or command performing such service shall, during such time, be governed by the rules and regulations of the United States army, then in force, unless they be modified or changed by general or special order; *Provided further*, That all officers and men shall receive from the State of Alabama their actual traveling and other expenses incurred in obeying the orders of the commander-in-chief, as provided in this section, the same to be determined and certified to by the sworn statement of the commanding officers of the various commands ordered into service.

Governor may order troops into active service.

Pay while in service.

SEC. 22. *Be it further enacted*, That whenever any part of the Alabama State troops are called into active service of the State, for any other purpose than provided for in the preceding section, they shall be entitled to receive the same pay and allowance as are provided for in the army of the United States, and whenever the Governor shall order all or any portion into such active service or duty, the commanding officer of any company shall have power to enforce the attendance and obedience of the members of his command, and may summon them to appear at a designated time and place, and any member who shall fail or refuse to obey any such summons or command, unless prevented by physical incapacity, or other good and sufficient excuse, if found guilty by a court martial organized as hereinafter provided, shall be fined, in the discretion of such court martial, not exceeding one hundred dollars, and the president of said court shall

Commanding officer of company enforces attendance.

Court martial and fines.

issue a warrant to the sheriff of the county in which said defaulter resides, stating the nature of the offense, and the amount of the fine, and it shall be the duty of said sheriff to arrest and hold such person so convicted, until the fine shall have been paid, or until said party shall have remained in jail one day for every two dollars fine; said fine shall go into the treasury of the company of which he is a member, and the receipt of the commanding officer of said company shall be a proper voucher to the sheriff for said fine; *Provided*, That nothing herein contained shall prevent the commanding officer of such company from enforcing the attendance of absent members, as is now provided by the army regulation of the United States.

Regimental
and battalion
court martial.

SEC. 23. *Be it further enacted*, That it shall be the duty of the commander of each battalion and regiment to organize in his command a regular court martial, such court to be organized and its business conducted, as near as practicable, in the same manner as courts martial are organized and conducted in the United States army, such court to meet whenever ordered to do so by the commanding officer, and is to have the jurisdiction usually pertaining to such courts as far as the same may be consistent with the constitution of the State; *Provided*, The Governor may organize any other special court martial for the trial of any particular military offense, which court shall be organized and conducted as herein provided, and the majority of the members of any court martial, organized under the provisions of this act, shall constitute a quorum for the transaction of business.

Jurisdiction of
court martial.

SEC. 24. *Be it further enacted*, That courts martial organized under the provisions of this act shall have jurisdiction to cashier, reprimand or expel any offender subject to their jurisdiction under this act, their judgment being subject to the approval or disapproval of the commander-in-chief, and there shall be no appeal from judgments rendered under the provisions of this section, except where the constitution gives the right of appeal, and then such appeal shall be taken to the circuit court and be governed by laws applicable to such appeals.

SEC. 25. *Be it further enacted*, That the insignia of rank of all officers of the Alabama State troops shall be

the same as that of officers of corresponding rank in the United States army, and any person or persons wearing such insignia, without being duly commissioned, shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than fifty dollars.

Rank of officers.

SEC. 26. *Be it further enacted*, That any officer of the Governor's staff, traveling on his official duties, under the orders of the Governor, shall be allowed all necessary expenses incurred in the performance of the said duties.

Traveling expenses of Governor's staff.

SEC. 27. *Be it further enacted*, That the Governor be, and is, hereby required to designate a depository for the undistributed military property of the State, and to appoint a competent person as ordnance sergeant who shall be subject to the orders of the adjutant-general, and whose duty it shall be to keep the said property in serviceable order and to have mended such small arms, the property of the State, at its expense, as may be sent to said depository for repair, and perform such other duties as the adjutant-general may direct. Said ordnance sergeant shall receive a salary of not less than twenty-five nor more than fifty dollars per month, at the discretion of the Governor, and shall execute a bond in the sum of one thousand dollars, payable to the State, for the faithful performance of his duty; such bond to be approved by the adjutant-general, and shall be renewable at his discretion. The depository herein mentioned to be secured at an annual rent not exceeding two hundred and fifty dollars. The said salary of the ordnance sergeant herein named shall be paid monthly.

Depository of military property.

Ordnance sergeant.

SEC. 28. *Be it further enacted*, That, except as herein otherwise provided, upon the sworn statement of the officer or non-commissioned officer, incurring any expense under this act approved by the Governor, it shall be the duty of the Auditor to draw his warrant on the Treasurer in favor of such persons for the payment of any expense, debt due, or liability authorized by this act, the same to be paid out of any money in the treasury not otherwise appropriated.

Auditor draws warrant for payment of expenses of officers.

SEC. 29. *Be it further enacted*, That any person who shall sell, purchase, retain, or have in his possession or custody, without right, any military property belong-

Penalty for retaining military property of the State.

ing to this State, and shall, after proper demands, refuse to deliver the same to any officer entitled to take possession thereof, shall be liable to an action for the recovery of the possession of such property, and shall be guilty of a misdemeanor, and any person belonging to the Alabama State troops, who shall, contrary to the lawful orders of the proper officer, retain in his possession or control any military property of the State, shall be liable to an action to recover possession thereof, and shall also be deemed guilty of a misdemeanor, and any commanding officer may take possession of such military property mentioned in this section wherever the same may be found.

Troops exempt from jury duty.

SEC. 30. *Be it further enacted*, That every commissioned officer, non-commissioned officer, musician and private of the Alabama State troops shall be exempt from jury duty during the time he shall be a member of the Alabama State troops, and it shall be the duty of the commanding officer of each company to furnish each member of their respective commands with a certificate of membership, signed by the commanding officer, which said certificate shall be all the evidence that shall be required by the courts of this State to prove the exemption herein allowed. The said commanding officers are hereby required, and it is made their imperative duty, to withdraw or cancel said certificates of membership whenever the holder thereof is absent from four successive drills or parades, without good and sufficient excuse.

No fees for issuing commissions.

SEC. 31. *Be it further enacted*, That the State of Alabama, or any officer thereof, shall not, after the passage of this act, collect any tax or fee of any description whatever upon commissions issued to officers of the Alabama State troops, and such commission shall be issued without affixing the State stamp.

SEC. 32. *Be it further enacted*, That the term of officers now in commission, or entitled to receive a commission, shall not be affected by the provisions of this act.

When officers not liable for loss of property.

SEC. 33. *Be it further enacted*, That no commissioned officer, giving bond for the safe keeping of arms or other public property, shall be liable for loss to the same by fire, riot or insurrection, unless otherwise

adjudged by a board of survey, after its finding shall have been approved by the Governor.

SEC. 34. *Be it further enacted*, That whenever any part of the Alabama State troops shall be ordered into encampment, or otherwise placed on duty, they shall be deemed and taken to be in actual and active service of the State.

SEC. 35. *Be it further enacted*, That an act entitled "An act for the more efficient organization for the volunteer militia of Alabama," approved February 9, 1877, and all laws and parts of laws in conflict with the provisions of this act, be, and the same are, hereby repealed. Act of 1877 repealed.

SEC. 36. *Be it further enacted*, That the commanding officer of any troops, while in camp or other active or actual service, may establish a guard-house for the incarceration, for not more than twenty-four hours, for any offense, any member of said command who shall violate any lawful order of said commanding officer, or the superior officer of said delinquent, and may arrest and confine such delinquents in said guard-house. And such commanding officer shall also have power to cause the arrest and confinement, as aforesaid, of any member of his command who shall create any disturbance or be guilty of drunkenness in camp or the vicinage thereof, as hereinafter defined. And said commanding officer, the officer of the day, or officer of the guard, may remove, or cause to be removed, from the camp and grounds within the limits of one-eighth of a mile from the boundary of the camp, any person who is drunk, disorderly, or guilty of any scandalous behavior, and if such person, without the permission of the commanding officer, return to such camp or limits, or resists removal therefrom, such person may be confined in such guard-house until he submit to leave such limits. And such commanding officer shall prevent the sale or giving away of any spirituous, vinous or malt liquor within the camp or within one-eighth of a mile thereof. Such commanding officer may use the whole force at his command for the proper police of his camp, and the enforcement of order and discipline. Whenever any portion of the Alabama State troops are on parade, drill, or whenever such troops, or any portion thereof, are under command of any officer, the commanding officer of such troops, or any other superior officer, may, Duty of officers in preserving order in their commands.

for the purpose of preserving order, or enforcing obedience to his lawful command cause the arrest of any member of such command who refuses or fails to obey any lawful order, and confine him for not exceeding twenty-four hours, or in case of drunkenness until such person becomes sober.

Allowance
made to com-
panies.

SEC. 37. *Be it further enacted*, That in commutation of the expense which each active and uniformed company of Alabama State troops now bears in providing drill rooms and a place for safe-keeping of arms, ammunition, and in defraying other necessary expenses of such organizations, there shall be allowed and paid to the commanding officer of each such company, for its use, the sum of sixteen dollars and sixty-six and two-third cents per month, payable quarterly in the manner hereinafter provided. No company shall be entitled to the benefit of this section unless it numbers at least twenty-five uniformed and efficient privates and non-commissioned officers, and has such number of parades and drills, not less than one public or private drill a month, at which not less than twenty-five rank and file attend, as the Governor may from time to time prescribe in general orders, and otherwise keep in such a state of efficiency as the Governor may deem necessary to constitute an active and efficient military organization. Whenever any such organization claims said allowance for any quarter, the commanding officer thereof shall make a statement, under oath, that said company, during the time for which such allowance is claimed, had the number of parades and drills required in general orders, with the number of men prescribed, not less than twenty-five; and during such period was an active and efficient military organization. Such affidavit may be taken before any officer authorized to administer oaths, and any officer willfully making any false oath for the purpose of obtaining such allowance, shall be guilty of perjury, and, on conviction thereof, shall be imprisoned in the penitentiary for not less than two nor more than five years. Such claims for such allowance when duly verified, shall be forwarded to the commanding officer of the regiment or battalion to which such organization is attached, (and if such company is unattached, then its claim shall be forwarded direct to the adjutant-general,) who shall forward it to

Conditions un-
der which al-
lowance may
be claimed.

the adjutant-general with such recommendation as may be deemed pertinent, and the adjutant-general shall likewise forward the same to the Governor with such recommendation as he deems proper. The Governor, if satisfied that such claim is just, shall approve the same and direct the Auditor to draw his warrant in favor of the commanding officer of such company for the amount of such claim; *Provided*, That the provisions of this section shall not apply to any company hereafter organized, and the provisions of this section shall not continue in force for more than two years from the date of the approval of this act, and that the Governor shall, within forty days from the approval of this act, ascertain what organizations are now in existence.

Approved March 1, 1881.

No. 96.]

AN ACT

[H. B. 642.]

To fix the number of Representatives in the lower House, or House of Representatives, in the General Assembly of this State, and to distribute them among the several counties.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the House of Representatives of the General Assembly of this State shall consist of one hundred members, to be elected at the general election on the first Monday in August, 1882, and biennially thereafter, and shall be distributed among the several counties, as follows: The counties of Autauga, Baldwin, Bibb, Blount, Butler, Calhoun, Chilton, Cherokee, Choctaw, Clarke, Clay, Cleburne, Coffee, Colbert, Conecuh, Coosa, Covington, Crenshaw, Cullman, Dale, DeKalb, Elmore, Etowah, Escambia, Fayette, Franklin, Geneva, Henry, Lamar, Macon, Marion, Morgan, Monroe, Marshall, Randolph, Shelby, St. Clair, Walker, Washington and Winston, shall each elect one Representative. The counties of Bullock, Chambers, Greene, Hale, Jackson, Jefferson, Landerdale, Lawrence, Limestone, Lee, Lowndes, Marengo, Perry, Pickens, Pike, Russell, Sumter, Talladega, Tallapoosa, Tuscaloosa

No. of Representatives in each county.

and Wilcox, shall each elect two Representatives. The counties of Barbour and Madison shall each elect three Representatives. The counties of Dallas, Mobile and Montgomery shall each elect four Representatives.

Approved February 26, 1881.

No. 97.]

AN ACT

[H. B. 141.

To make further provisions for the duties of coroner, and the costs of coroners' inquests.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the fees allowed to coroners for holding inquests shall be paid out of the county treasury, in all cases where, in the opinion of the court of county commissioners, or court of county revenues, the inquest should have been held. But no fees shall be paid for any inquest in any case where it is publicly known, before the jury is summoned, who caused the death of the deceased, or where the slayer has been arrested for the homicide; *Provided,* That in such cases, if the immediate cause of the death is uncertain, a surgeon or physician may be summoned to make a *post mortem* examination, and be required to give his opinion, in writing, as to the cause of the death, which opinion must be returned by the coroner, as inquests are returned under section 3997 (4369) of the Code, and such surgeon or physician shall be entitled to the same fee and mileage, and to be paid in the same manner, as for attending an inquest.

Coroner's fees

Physician may make *post mortem* examination.

Fees.

SEC. 2. *Be it further enacted,* That the fees to be paid to the coroner out of the county treasury under this act shall be as follows: For going to and returning from the place where he holds the inquest, five cents for each mile traveled. For holding an inquest, \$2.50. For summoning jury on inquest, \$1.00. For each sub-pœna, 25 cents. For each warrant of arrest, 50 cents. For each bond or undertaking returned to court, 50 cents. For attending *post mortem* examination, where no jury is summoned, and returning opinion of surgeon or physician, five cents for each mile traveled in going to and returning, and \$1.00.

SEC. 3. *Be it further enacted*, That all laws in conflict with this act are hereby repealed.

Approved March 1, 1881.

No. 98.]

AN ACT

[H. B. 372.

For the protection of purchasers of lands sold by executors and administrators.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That after the expiration of the sixty days in which executors and administrators have to make their report of the sale of lands made by them to the probate court as is provided in section 2463 of the Code of Alabama, any purchaser at such sale, heretofore or hereafter to be made, or any one claiming titles to lands so sold under such purchaser, may, by motion made in the probate court, have citation to issue from said court to such executor or administrator, citing him to appear in said court, within twenty days from the date of the service of the citation, and report said sale, and if any such executor or administrator shall have removed from this State since such sale, or whose residence may be unknown to such purchaser or person claiming under him, and such facts are made known to the probate court by affidavit, then the court may order publication to be made as is now required by law as to non-residents.

Purchasers at may cite Executors or administrators to report sale.

SEC. 2. *Be it further enacted*, That when the executor or administrator fails to appear in the probate court and report his sale of lands, as required by law, and after the perfection of service upon him as provided in the first section of this act, then the probate court must proceed, on the day such executor or administrator is cited to appear, or on such other day as may be set by the court, to hear evidence of the regularity of the sale and of the payment of the purchase money for the lands so sold, and of the adequacy of the price so paid, and if from the evidence as taken the court is satisfied that said sale was regular and fair, and that the amount of the purchase money has been paid, and that the amount so paid was an adequate price for said

In case executor or administrator fail sale can on certain conditions be confirmed by probate court.

lands, the court may proceed to make and enter the order confirming said sale, and designate some person who shall convey titles to the land so sold.

In suits by heirs or devisees for recovery of real estate sold by administrators, executors, purchasers complying with sections 1 and 2 can use the record of proceedings as evidence.

SEC. 3. *Be it further enacted*, That in all suits, by heirs or devisees for the recovery of real estate sold by executors or administrators, under orders of the probate court duly obtained as required by law, for the payment of debts of the estate or for distribution to heirs or devisees, founded on defects in the records caused by the destruction of such records by accident or by design, or by the incompetency or negligence of the probate judge, or his failure to make the proper records, it shall be competent for the defendant to prove, either by parole or documentary evidence, that application was duly made to the probate court, having jurisdiction of the estate to which such lands belonged, for any order of sale of the land for the recovery of which such suits are brought, that a day was set for the hearing of said application, that all legal notices were given, that evidence was taken as in chancery cases, and guardians *ad litem* were appointed to protect the interests of all minors interested in said estate, and that such guardians accepted their appointments and did appear in court and discharge their duties, that a hearing was regularly had of the matters alleged in said application, and that upon consideration of the same, and of the evidence taken in support of the same, as required by law, an order was granted for the sale of said lands, that legal publication was made of the day of sale, that said lands were sold in accordance with said order for an adequate price, and the purchase money was paid, that report was duly made of said sale, and that the same was confirmed and titles ordered to be made to the purchaser, that the proceeds of said sale were duly applied to the payment of the debts of the estate or were honestly distributed to the distributees and received by them; and such facts, when satisfactorily established, shall have the same effect in defense of said actions as record evidence when the records are regular and complete; *Provided*, That the provisions of this third section shall not affect suits brought on defects in the records that have occurred since November the first, 1874.

Approved March 1, 1881.

No. 99.]

AN ACT

[s. 47.]

To allow married women, or guardians, to claim exemptions under the laws of this State, where the husband or father has absconded or left the State.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That where any married man, who is a resident of this State, shall abscond or leave the State and abandon his family, leaving in the State a wife, or wife and a minor child or minor children, the wife so left shall have the right to claim, in the name of her husband, all exemptions which he would be entitled to claim had he not absconded or left the State, and if there be a minor child or minor children, and no wife, the guardian or custodian of such minor child or minor children, shall have the right to claim such exemptions for such minor child or children, in the name of the father of such minor child or minor children; the claims in such cases to be conducted in the same manner as exemptions are now claimed under the Code.

Married woman or guardian of minor children can claim such exemptions when husband or father has absconded or left the State as he would be entitled to if present.

SEC. 2. *Be it further enacted,* That the exemptions secured by the first section of this act shall continue only so long as the person or persons for whose benefit the exemption is claimed shall remain *bona fide* a resident of this State, with the intention to so continue, and the persons claiming such exemptions shall in every case make affidavit before some officer authorized to administer oaths, that the person for whose benefit such exemption is claimed is a *bona fide* resident of this State, and intends to so remain.

This only when parties claiming are actual residents of this State.

Approved March 1, 1881.

No. 100.]

AN ACT

[s. 358.]

To protect persons in possession of personal property to which they claim no title, against other persons claiming title thereto adversely to each other.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That whenever personal property in possession of any person claiming no title thereto is claimed

Person in possession of property claimed by two other persons must give notice to claimants and demand litigation between them as to ownership.

by two other persons asserting title adversely to each other, the person in possession may give notice in writing, to each of the claimants, that he disclaims title, and that the other claimant does claim title to such property, and in such notice demand that such claimants shall litigate between themselves their rights to such property. Such notice shall be a full defense to the person in possession against any action brought against him by either of said claimants on account of such property, and against any liability for the loss, injury or destruction thereof, except when such occurs from a failure to take ordinary care of such property.

Action may be for recovery in specie.

SEC. 2. *Be it further enacted*, That the action between said claimants may be for the recovery of such property in specie, and if such, shall be governed by the provisions of chapter 4, of title 1, of part 3, of the Code of Alabama, except that if the person in possession shall have received such possession as bailee of either claimant, that claimant shall have the privilege of first giving bond and holding possession of the property whether he be plaintiff or defendant.

Person in possession to deliver to claimant making bond.

SEC. 3. *Be it further enacted*, That if action shall be begun between said claimants, and bond given, the person in possession shall deliver possession of the property to the party so giving bond. If no bond is given, the person in possession shall retain the property to abide the result of the suit. The party to whom the property shall be delivered by the person in possession shall, on receiving such property, pay to that person reasonable compensation for taking care of the same.

Approved March 1, 1881.

No. 101.]

AN ACT

[s. 137.

To provide for the official declaration of election of certain officers in this State, and to prescribe the time in which official bonds shall be given.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That it shall be the duty of the board of supervisors in each county in this State, within ten days

after the ascertainment of the result of any election in their respective counties, for county officers to make public declaration of the same, giving the name of each person elected in the county, and the office to which he is elected, including members of the House of Representatives of the General Assembly; said declaration shall be signed by at least two of the members of said board of supervisors, and be published by written notices posted on the court house door and three other public places in the county.

Board of Supervisors declare the result in certain cases.

SEC. 2. *Be it further enacted*, That all returns of elections now required by law to be sent to the Secretary of State shall, within fifteen days after an election, be opened and counted in the presence of the Governor, Secretary of State, Attorney General, or any two of them, and all persons other than those mentioned in the first section of this act found to be elected shall be notified thereof by proclamation of the Governor.

Governor, Secretary of State and Attorney General ascertain result in election of certain officers, and the Governor notifies those elected by proclamation.

SEC. 3. *Be it further enacted*, That all officers who are required to give official bonds shall do so within the time prescribed by law, after declaration of election, instead of after the election, as now provided by law; and the time between the election and the declaration thereof, as required by this act, shall not be construed as a part of the time in which official bonds are required to be given.

Official bonds.

SEC. 4. *Be it further enacted*, That all laws and parts of laws in conflict with this act are hereby repealed.

Approved February 10, 1881.

No. 102.]

AN ACT

[s. 8.

To provide for the incorporation of banks of discount and deposit.

SECTION. 1. *Be it enacted by the General Assembly of Alabama*, That whenever three or more persons desire to become incorporated, and as such corporation to carry on the business of banking, but without the power to issue bills or notes for circulation, such persons so associated for that purpose may become a body

Three or more persons can become body politic and corporate for carrying on banking business.

politic and corporate in this State, with the incidents and powers granted by law to private corporations in this State, upon compliance with the terms and provisions following:

Must enter into articles of association.

1. Such associates must, over their signatures, enter into articles of association, in writing, stating the name to distinguish such association, and to be used in its dealings, the city, town, or village, and the county wherein its business is to be carried on; the amount of capital stock of such association, and the number of shares into which it is to be divided.

Said articles recorded in county where business is conducted.

2. Said articles, so executed, must be recorded in the court of probate of the county wherein the business is intended to be carried on, and must, with the certificate of record by such probate judge, be recorded in the office of the Secretary of State of Alabama.

Certificate required as to amount actually paid in; at least \$25,000.

3. At the time of said record being applied for in said court of probate, at least two of the associates must, in writing to be filed in said court of probate and sworn to by the subscribers to the same, certify that the sum of at least twenty-five thousand dollars has, in cash, been paid in by the associates in good faith toward the capital stock of said bank, and is in fact then held as a portion of its capital stock and to be used in its business. A copy of this certificate, verified by the judge of the court of probate wherein it is filed, must also be filed with the Secretary of State, when the articles of association, as herein provided, are presented to that officer for record in his office.

Secretary of State to issue certificate of incorporation.

SEC. 2. *Be it further enacted*, That when the terms and conditions hereinbefore prescribed are complied with, it shall be the duty of the Secretary of State to issue to said association, under the great seal of the State, a certificate thereof, and thereafter said association shall become and be a corporation, under the name and style designated in its said articles of association, as recorded in the office of the Secretary of State, with the duties, incidents and powers of a private corporation, under the laws of this State, and may carry on the business of banking, by discounting bills and notes, receiving and paying out deposits, buying and selling gold and silver bullion, foreign coins, and foreign and domestic bills of exchange and commercial securities, bonds and stocks, by lending money upon bonds, stocks, and per-

Powers and duties of the corporation.

sonal security, and upon unincumbered real property, and by exercising such incidental powers, not in conflict with the laws of this State or of the United States, as are necessary to carry on its said business. Said corporation may also receive deposits for savings, and contract and pay such interest thereon, not exceeding the rate declared by the law of this State, as may be agreed on between it and such depositors, and in the absence of contract, at such rate as may be specified in its by-laws, and furnish to said depositors written evidence of such deposit, but no certificate, in whatever form issued, shall be re-issued by said corporation, but when returned to said corporation they shall be cancelled, and never be re-issued, and under no form, pretense or color, shall said corporation issue any bill, note, voucher, certificate or document in any form to circulate as money.

SEC. 3. *Be it further enacted*, That upon the receipt of the Secretary of State of the certificate as required by the preceding section of this act, and annually thereafter, said associates and their successors may choose from themselves such number of persons to be directors as they see fit, one of whom shall by them be chosen president of the corporation. The business of said corporation shall be managed by said directors, who may appoint a cashier and other officers and clerks and servants as they may see fit, adopt by-laws and regulations, and exercise such powers about the business of said corporation, not inconsistent with the laws of this State and of the United States, as its business may require.

Election of
president and
directors.

SEC. 4. *Be it further enacted*, That in their said articles of association, said associates may provide for an increase of their capital stock, from time to time, by a vote of a majority in value of the shareholders, so that the aggregate capital shall not exceed five hundred thousand dollars, and also in the same manner for a decrease of their capital stock, but in no case, whether by decrease or by the terms of the original articles, shall the capital stock be less than fifty thousand dollars, and in no case shall any association or corporation under this act begin to carry on any business as a corporation before the sum of twenty-five thousand dollars has in fact been paid in, in cash, as part of its

Capital stock
may be in-
creased.

capital stock. The articles of association may provide for the payment of subscription to stock in excess of said twenty-five thousand dollars, in periodical installments of such per centage upon the subscription as said associates may direct, or may authorize their directors to require, so that such subscriptions be fully paid within twelve months from the date of making. In case default be made in payment of such subscription within that period, said directors may, after five days notice to such defaulting subscriber, sell his interest in said stock, at public or private sale, to any person who will buy the same, and from the proceeds shall pay such defaulting subscriber any excess there may be over what said subscriber would have paid had he complied with his subscription in full, less the expense which may have been incurred by the corporation about the collection of such default.

Reorganization
provided for:
terms and con-
ditions thereof.

Sec. 5. *Be it further enacted*, That any banking corporation or loan association, which has been or may be organized under any law of this State, may be re-organized and do business under the provisions of this act upon complying with the conditions following:

1st. The majority in value of the holders of the shares of such corporation shall express their wish so to do, by a written paper signed by them, or expressed by vote or resolution at an election or meeting of the stockholders to be held upon ten days notice thereof, by publication in some newspaper published in the county wherein its business is carried on.

2d. Thereupon the president and directors shall file with the court of probate of the county wherein the new corporation proposes to carry on its business, the original of said paper, or copy of such resolution, and a certificate signed by them wherein shall be stated the name to be assumed by the corporation, the city, town, or village and county wherein its business is to be carried on, the amount of its capital stock, the number of shares into which it is divided, the par value thereof, and their market value according to the last preceding sale which may have been made thereof, the cash value of its assets and securities, and the nature thereof, the amount and description of its debts and liabilities, which certificate shall be verified by the oath of the president and cashier or secretary of said corporation.

If it appear to said court of probate that said corporation is solvent, that its capital is not of less value than par, and in the aggregate of not less value than fifty thousand dollars, said court of probate shall cause record to be made of the papers and documents so produced, and certify a copy thereof to the Secretary of State, who shall cause the same to be recorded in his office, and issue a certificate of incorporation as provided by the second section of this act, and from and after the issuance of said certificate of incorporation, said former corporation shall be deemed and taken to be a corporation chartered under this act, and may thereafter continue and do business as a new corporation, and as if originally organized and chartered by virtue hereof.

Approved December 8, 1880.

No. 103.]

AN ACT

[H. B. 38.

To punish the "fraudulent issuance of false receipts for merchandise, cotton, grain, or other produce, or for any article of value."

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That if any warehouse proprietor, officer, agent or other employe of any corporation, or other person engaged in the safe keeping or storage of goods, wares, or merchandise, lime, lumber, cotton, grain, hay, or other produce, or any other article of value, or the clerk, agent, or employe of any such person shall fraudulently issue any false receipt for goods, wares, or merchandise, lime, lumber, cotton, grain, hay, or other produce, or for any article of value, he must, on conviction, be sentenced to hard labor for the county, for not more than two years, and may also be fined not more than two thousand dollars, at the discretion of the jury trying the same.

Penalty for issuing false merchandise, grain or cotton receipt.

Approved November 29, 1880.

No. 104.]

AN ACT

[s. 64.

To authorize private corporations to change the number of their Directors.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That any private corporation in the State of Alabama now in existence, or which may hereafter be organized, shall be authorized to alter or change the number of its directors, or managers of its affairs, by either increasing or diminishing the number of directors or managers; *Provided,* That such reduction shall not be to a less number than three.

Private corporations can diminish or increase number of directors.

Be it further enacted, That before any such change shall be made, the consent of the persons holding the larger amount in value of the outstanding stock of such corporation shall be obtained in favor thereof, at a meeting of the stockholders of said corporation, convened for the purpose of voting upon the proposition, or upon this and other propositions.

Consent of holders of majority of stock be obtained.

SEC. 3. *Be it further enacted,* That no meeting of stockholders for the purpose mentioned in sections one and two of this act, shall be held until after thirty days notice thereof, by advertisement, at least as often as once a week, has been given by publication in a newspaper of general circulation published in the county where the corporation has its principal office, or if no such newspaper is published in the county, then in a newspaper having general circulation published in the county nearest the principal office of such corporation, a copy of which shall be mailed to each stockholder whose place of residence is known.

Public notice required.

SEC. 4. *Be it further enacted,* That if at such meeting the consent of the persons holding the larger amount in value of the stock of such corporation outstanding shall be obtained to the proposed change, then a report or certificate thereof, signed by the chief officer or officers of the corporation, and acknowledged by him or them before, and certified to by, a notary public, shall be without delay filed and recorded in the office of the probate judge of the county in which the company has its principal office, and upon such filing being had, the changes, as agreed upon, shall take effect and become operative.

Reports to be filed in probate judge's office.

* SEC. 5. *Be it further enacted*, That a copy of such report or certificate, duly certified by the judge of probate in whose office it is recorded, shall be *prima facie* evidence of the facts stated therein. Certificate prima facie evidence.

SEC. 6. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be, and the same are, hereby repealed. Repealing clause.

Approved December 2, 1880.

No. 105.]

AN ACT

[s. 35.

To secure the humane treatment of prisoners.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the sheriffs of the several counties of this State shall provide suitable methods for heating the jails therein during cold weather, and shall further provide necessary vaults, dry earth, or water closets therein, for the use of the prisoners. Sheriffs must provide for heating cells and for water-closets.

SEC. 2. *Be it further enacted*, That it shall be the duty of said sheriffs to keep in said jails a sufficient supply of wholesome water for drinking and bathing purposes, accessible at all times to prisoners therein. Keep water for drinking and bathing.

SEC. 3. *Be it further enacted*, That it shall be the duty of said sheriffs to keep the apartments occupied by prisoners in the jail comfortably warm in cold weather, and at all times cleanly and free from offensive odors. Cells to be kept warm and free from odor.

SEC. 4. *Be it further enacted*, That it shall be the duty of the court of county commissioners for the said counties, as soon as practicable after the passage of this act, to meet and make such appropriation of money as shall be necessary to carry the provisions thereof into effect, and issue a warrant to the sheriff therefor on the county treasurer, who is hereby required to pay the same in preference to any claim against the county, out of any moneys in the treasury, and it shall be the duty of the probate judge of such county to appoint the time of such meeting, and to give to each of the members of said court notice thereof five days before such meeting, which notice shall be executed by the sheriff of said county. Court of county commissioners to appropriate necessary money.

SEC. 5. *Be it further enacted*, That if said judge fails to discharge the duties imposed upon him by section 4 hereof, he shall be guilty of a misdemeanor, and if the sheriff fails to execute such notice without a lawful excuse therefor, to be adjudged by the court before which he is tried, such sheriff shall be guilty of a misdemeanor.

Court of commissioners to be guilty of misdemeanor for not complying with duty required.

SEC. 6. *Be it further enacted*, That if said court of county commissioners fails to comply with any duty required of such court by this act, the persons composing such court shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined not more than one hundred dollars and not less than ten dollars, but any member of said court may exonerate himself from said fine, by proving that he was in favor of, and voted for, such appropriation.

Sheriff's guilty of misdemeanor for not complying with requirements of this Act.

SEC. 7. *Be it further enacted*, That if the said sheriff fails to perform any of the duties required of him by sections 1, 2 and 3 of this act, he shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than ten dollars, and not more than one hundred dollars, unless he shows that the court of county commissioners failed to make a sufficient appropriation to enable him to discharge such duties, or the county treasurer failed or refused to pay such warrant.

Probate judge and circuit clerk to visit jail and report to grand jury.

SEC. 8. *Be it further enacted*, That it shall be the duty of the probate judge and the clerk of the circuit court of said county, or either of them, when the other is prevented by sickness or unavoidable cause, to visit such jail without informing such sheriff when such visits will be made, at least once in each week, after said methods are provided and such appropriations are made, and examine the condition of said jail, and make a memorandum in writing of the results of each of such examinations, and report the same under oath to the next grand jury of said county, and if the grand jury shall find, from sufficient evidence, that said sheriff has failed to comply with any of the provisions of said sections 1, 2 and 3, they shall find a bill of indictment against said sheriff therefor.

Misdemeanor for failure.

SEC. 9. *Be it further enacted*, That if said judge or clerk, unless prevented by sickness, fails or refuses to discharge the duties imposed on him by this act, he shall be guilty of a misdemeanor, and, on conviction,

fined not less than ten nor more than one hundred dollars.

SEC. 10. *Be it further enacted*, That if the grand jury shall have sufficient evidence of a violation of any of the provisions of this act, they shall find a bill against the person guilty of such violation, and the judges respectively of the circuit or city courts of this State shall give this act specially in charge to the grand juries of each court.

Grand jury to find bill for violation of any provision of this Act.

SEC. 11. *Be it further enacted*, That this act shall take effect from the passage thereof.

Take effect immediately.

Approved December 6, 1880.

No .106.]

AN ACT

[s. 14.

To authorize corporations formed for mining or manufacturing purposes, under Part second, Title 1, Chapter 1, Article 1, of the Code, to enlarge their business.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That whenever all the stockholders of any corporation organized for mining or manufacturing purposes, and actually doing business as such, under the provisions of part second, title 1, chapter 1, article 1, of the Code of Alabama, desire to engage in the mining or manufacturing of other substances or minerals than those specifically set forth in the written declaration, filed by it for the purpose of incorporation, or to engage in any other lawful business in connection therewith, they may file in the probate court of the county, in which the original declaration was filed, a written declaration, setting forth the nature of the mining or manufacturing business, or other lawful business in connection therewith, in which such corporation desires to engage, in addition to the business mentioned in the original declaration; and thereupon such corporation shall be authorized to engage in the business set forth in such second declaration, as well as that mentioned in the original declaration, as fully and to the same extent as if such additional business had been set forth in the original declaration.

Must set forth in written declaration in probate court nature of additional business.

Approved December 2, 1880.

To encourage the manufacture of cotton by Clement attachment, or any other attachment to gins, to manufacture cotton.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That none of the provisions of the act, approved February 1, 1879, entitled An act to prevent, in certain cases, the sale, exchange and transportation of cotton in the counties of Montgomery, Bullock, Dallas, Russell, Lowndes, Wilcox, Sumter, Autauga, and in beats Nos. one, two, three, four, five, six, seven, eight and nine of Hale, and of cotton produced in said counties, shall prevent any person, company of persons, or corporation chartered under the laws of this State, who use the Clement attachment, or any other attachment to gins, for the manufacture of cotton, from purchasing seed cotton, provided the same is purchased for the *bona fide* purposes of manufacture, and provided the same is bought within the hours named in section second of said act.

Persons using clement attachment or other attachments for manufacture of cotton can purchase cotton in seed.

SEC. 2. *Be it further enacted,* That it shall be unlawful for any person, firm or corporation to sell any cotton purchased under the authority of the first section of this act, until the same shall have been manufactured into yarn or thread, except the ordinary waste in manufacturing, and any person who shall sell any cotton so purchased either in the seed or in the lint, before the same is manufactured into yarn or thread, shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than fifty nor more than five hundred dollars; *Provided,* That any person, firm or corporation engaged in the business of manufacturing cotton into yarn or thread, may, when such business is suspended or abandoned, sell at public auction any cotton previously purchased for the purpose of manufacture, and which may be on hand at the time of such suspension or abandonment.

Must sell cotton so purchased only in shape of thread or yarn.

Approved February 26, 1881.

No. 108.]

AN ACT

[H. B. 723.]

To prevent the issue of false receipts and to punish the fraudulent transfer of property by warehousemen, wharfingers and others.

SECTION 1. *Be it enacted by the General Assembly of Alabama.* That no warehouseman, wharfinger, or other person, shall issue any receipt, or other voucher for any goods, wares, merchandise, cotton, grain, flour and other produce or commodity, to any person or persons, purporting to be the owner or owners thereof, unless such goods, wares, merchandise, cotton, grain or other produce or commodity shall have been actually received into store or upon the premises of such warehouseman, wharfinger or other person, and shall be in store or on the premises as aforesaid, and under his control at the time of issuing such receipt.

Receipt only to be given when goods actually in store.

SEC. 2. *Be it further enacted,* That no warehouseman, wharfinger or other person shall issue any receipt or other voucher upon any goods, wares, merchandise, cotton, grain, flour or other produce or commodity, to any person or persons as security for any money loaned, or other indebtedness, unless such goods, wares, merchandise, cotton, grain or other produce or commodity shall be, at the time of issuing such receipt, in the custody of such warehouseman, wharfinger or other person, and shall be in store or upon the premises and under his control at the time of issuing such receipt or other voucher as aforesaid.

SEC. 3. *Be it further enacted,* That no warehouseman, wharfinger or other person shall issue any second or duplicate receipt for any goods, wares, merchandise, cotton, grain, flour or other produce or commodity while any former receipt for any such goods, wares, merchandise, cotton, grain or other produce or commodity as aforesaid, or any part thereof, shall be outstanding and uncanceled, without writing across the face of the same "duplicate."

No duplicate to be given without specifying that it is "duplicate."

SEC. 4. *Be it further enacted,* That no warehouseman, wharfinger or other person shall sell or incur, ship, transfer, or in any manner remove beyond his immediate control, any goods, wares, merchandise, cotton, grain, flour or other produce or commodity, for

Must not sell, transfer or incur goods received for without assent of person holding receipts.

which a receipt shall have been given by him, as aforesaid, whether received for storing, shipping, grinding, manufacturing, or other purposes, without the written assent of the person or persons holding such receipt, or the surrender thereof by the rightful owner.

No bill of lading to issue unless goods actually delivered.

SEC. 5. *Be it further enacted*, That no master, owner, or agent of any vessel or boat of any description, or officer, or agent, of any railroad company, or other person, shall sign or give any bill of lading, receipt or other voucher or document for any merchandise, cotton, or property by which it shall appear that such merchandise, cotton, or property has been shipped on board any vessel, boat, or railroad car, unless the same shall have been actually delivered to such vessel, boat, or car, to be carried and conveyed as expressed in such bill of lading, receipt, or other voucher or document.

Goods transferred by indorsement, &c.

SEC. 6. *Be it further enacted*, That warehouse receipts given for any goods, wares, merchandise, cotton, grain, flour, produce, or other commodity, stored or deposited, with any warehouseman, wharfinger, or other person, may be transferred by indorsement thereof; and any person to whom the same may be so transferred shall be deemed and taken to be the owner of the goods, wares, merchandise, grain, flour, cotton, produce, or other commodity therein specified, so far as to give validity to any pledge, lien, or transfer, made or created by such person or persons; but no property shall be delivered except on surrender and cancellation of said original receipt, or the indorsement of such delivery thereon, in case of partial delivery; all warehouse receipts, however, which shall have the words "not negotiable" plainly written or stamped on the face thereof, shall be exempt from the provisions of this section. That in case of loss or destruction of any receipt, bill of lading, voucher, or document, the property may be delivered to the rightful owner thereof.

Penalty for violations of preceding sections.

SEC. 7. *Be it further enacted*, That any warehouseman, wharfinger, or other person who shall violate any of the foregoing provisions of this act, shall be deemed guilty of fraud, and, upon conviction, shall be fined in any sum not exceeding one thousand dollars, or sentenced to confinement in the penitentiary for not more

than five years, and all and every person, or persons, aggrieved by the violation of any of the provisions of this act, may have and maintain an action at law against the person or persons violating any of the foregoing provisions of this act, to recover all damages, immediate or consequential, which he or they may have sustained by reason of any such violation as aforesaid, before any court of competent jurisdiction, whether such person shall have been convicted or not, as aforesaid, under the provisions of this act.

SEC. 8. *Be it further enacted*, That so much of the preceding 4th and 6th sections of this act as forbids the delivery of property, except on surrender and cancellation of the original receipt, or the endorsement of such delivery thereon in case of partial delivery, shall not apply to property replevied or removed by operation of law; *Provided*, That this act shall not apply to liens of landlords for rent or advances, nor to parties holding contract liens on any such property, hereinbefore mentioned; *Provided*, That this act shall not go into effect until the first day of June.

Approved February 28, 1881.

No. 109.]

AN ACT

[s. 381.

To facilitate the sale, partition and proper conveyance of lands belonging to a partnership, or two partners as tenants in common, upon the death of any of the partners, leaving the business unsettled.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That whenever any member of a partnership has heretofore died, or shall hereafter die, leaving the business of such partnership, unsettled whether such partnership shall have been dissolved prior to his death, or be then existing, and there shall be any lands, the property of such partnership, or such partners or tenants in common, or in which such partnership, or such partners as tenants in common, may have any interest growing out of their partnership business, the probate court in which the estate of such deceased partner is in course of administration shall have juris-

Probate court to confer jurisdiction upon personal representative of deceased partner to join surviving partner in settlements, sales, conveyances, &c., when no will is made or when will does not forbid it.

diction to confer upon the personal representative of such decedent general authority to join the surviving partner or partners in selling privately and conveying any or all of such lands, or interest therein, whenever it may be necessary or to the advantage of the estate of such decedent to sell such lands for the payment of the debts of the partnership, and also to agree with such surviving partner or partners as to the partition of all such lands as may not be sold, and to execute and receive all such conveyances as may be necessary to perfect any partition so agreed on; *Provided*, That such authority shall be granted only where there is no will of such decedent admitted to probate, or such will does not grant any such power to any person, or does not prohibit the grant of such power to such personal representative.

Petition to be filed in probate court in settling for the interest of deceased partner.

SEC. 2. *Be it further enacted*, That before any such order shall be made, such personal representative shall file a petition therefor in such probate court; such petition must describe the lands as to which such authority is sought, state the interest of the estate of such deceased partner therein, and the probable value of such interest, after payment of the debts of such partnership; must give the names and residences of the heirs or devisees of such decedent; and must state, if any, and which of such heirs or devisees are under the age of twenty-one years, or married women, or persons of unsound mind, and such application must be verified by oath.

Hearing of such application and notices to be given.

SEC. 3. *Be it further enacted*, That the judge must appoint a day not less than forty days from the filing of the petition, for the hearing of the same; must appoint a proper person guardian *ad litem* to represent the minors, or persons of unsound mind, if any there be, and must issue a citation to the heirs or devisees of full age, residing and living in this State, notifying them of such application and the day appointed for hearing the same, which citation must be served on such heirs or devisees ten days before such hearing; and if any such heir or devisee is a married woman, such citation must also be served on her husband, if a resident of and in this State. Notice of such application must also be given, by publication once a week for three successive weeks, in some newspaper published in the county, or if no newspaper is published in the county,

then such publication must be made in the one published nearest the court house thereof. If any of such heirs or devisees, or husbands of such of them as are married women, reside out of the State, or be out of it when such application is filed, such publication shall be sufficient to bring them into court.

SEC. 4. *Be it further enacted*, That any person interested in the estate of such decedent may contest such petition. The person appointed guardian *ad litem* to represent the minors or persons of unsound mind must deny in writing the allegations of such petition, and, if necessary, must employ counsel to defend the interests of those he represents.

Right of contest and appointment of guardian *ad litem*.

SEC. 5. *Be it further enacted*, That such petition may be heard on the day appointed therefor, or on any other day to which it may be continued. The facts stated therein must be proved to the satisfaction of the court by the testimony of competent witnesses, which must be filed of record. On such proof being made, the court may grant an order conferring upon the personal representative the authority prescribed by the provisions of this act.

Order of court after hearing.

SEC. 6. *Be it further enacted*, That no order shall be made where there are minors or persons of unsound mind interested in such estate, unless the probate court has taken evidence by deposition, as in chancery proceedings, showing that such petition should be granted, which evidence must be taken, whether the guardian *ad litem* denies the truth of the allegations of such petitions or not; and any order granted without a compliance with the provisions of this section shall be wholly void.

Proceedings in cases where minors and persons of unsound mind are interested.

SEC. 7. *Be it further enacted*, That if, on the hearing of the petition, the facts are not proved, the same must be dismissed at the costs of the applicant, for which execution may issue against him and his sureties.

When petition dismissed at costs of applicant.

SEC. 8. *Be it further enacted*, That if such order be granted, it shall be the duty of such personal representative to have a certified copy thereof recorded within three months thereafter in the office of the probate judge of each county in which any part of such lands may be situated.

Copy of proceedings to be recorded in the county where land located.

SEC. 9. *Be it further enacted*, That the personal representative must, within sixty days after making

Probate judge
to confirm pro-
ceedings if cor-
rect.

or receiving any conveyance under the provisions of this act, report on oath his proceedings to such probate court, which must examine the same, and may also examine witnesses in relation thereto. If upon examination the court is satisfied that such proceedings were fairly conducted, and that the interests of such estate are not unduly prejudiced thereby, it must make an order confirming such proceedings, and must in such case endorse upon each conveyance so made by the personal representative, upon presentation of it to the court, a certificate of such confirmation and the date thereof, which certificate shall be evidence of such confirmation, and must be recorded with such conveyance. But if the court should not be so satisfied as to any such conveyance it must vacate the same, and therefore the authority so granted to such personal representative shall continue in force.

Title in person-
al representa-
tive.

SEC. 10. *Be it further enacted*, That any conveyance made by such personal representative under the provisions of this act, and so confirmed by the probate court, shall have the effect of vesting in the party to whom it is made all such right, title and interest as such deceased partner may have had at the time of his death in the lands so conveyed.

Personal repre-
sentative to ad-
minister as in
other cases.

SEC. 11. *Be it further enacted*, That any lands conveyed to the personal representative of a deceased partner, upon petition under the provisions of this act, shall be subject to the administration of the estate of such decedent in all respects as if the full legal title thereto had been vested in him at the time of his death, and such probate court shall have authority, upon proper application and due proof, to order such personal representative, or any other person it may appoint, to convey the same, or a proper interest therein, to the heirs or devisees of such decedent.

Term of au-
thority for per-
sonal represen-
tative to act.

SEC. 12. *Be it further enacted*, That the authority prescribed by the provisions of this act shall be vested in such personal representative only so long as he continues in such capacity; *Provided*, That such probate court shall have jurisdiction to make an order continuing such authority in the successor of such personal representative without application therefor, if it shall consider such successor a suitable person to exercise the same.

Approved February 23, 1881.

No. 110.]

AN ACT

[H. B. 37.]

To better regulate the administration of express trusts created to secure or provide for the payment of debts.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That whenever an express trust has heretofore been, or may hereafter be, created to secure or provide for the payment of debts, if no bond is required of the trustee by the terms of his appointment, he shall be required to give bond, when any creditor interested in the administration of such trust estate shall, in person or by agent or attorney, make application under oath, showing his interest and alleging that the same will be, in his opinion, endangered for the want of security; such application shall be made to the register of the chancery district in which such trust property, or the most valuable portion thereof, is situated. The register shall thereupon appoint a day for the hearing thereof, of which he shall give the trustee not less than five days notice; *Provided*, That if such trustee be absent from the State, such notice shall be given by publication, once a week for three consecutive weeks, in some newspaper published in such district. Such application shall be heard upon the day so appointed, or upon such other day as it may be continued to. If, upon such hearing, it shall appear that the party making such application is a *bona fide* creditor interested in such trust estate, and that the trustee is not required by the terms of his appointment to give bond, it shall be the duty of the register to require such trustee to give bond with at least two sufficient sureties, and in a penalty equal to double the estimated value of the real and personal property of such trust estate, conditioned for the faithful discharge of his duties as such trustee. Such bond shall be payable to, and approved by, the register, and must be given within three days after such order is made; *Provided*, That if a majority in number and value of all creditors secured by the deed oppose the application, it shall not be granted.

Trustee to give bond upon application of creditor.

SEC. 2. *Be it further enacted*, That if such trustee shall fail to make such bond within the time prescribed, it shall be the duty of the register to make an order

Trustee removable on failure to give bond when required.

removing him from the administration of such trust estate, and to appoint a new trustee therefor, of whom he shall require a sufficient bond.

Bond can be
sued on.

SEC. 3. *Be it further enacted*, That any bond given by a trustee, as such, may be sued or proceeded on in the name of any party aggrieved until the whole penalty is exhausted.

Trustee must
file inventory
of property.

SEC. 4. *Be it further enacted*, That it shall be the duty of every trustee appointed to execute an express trust created to secure or provide for the payment of debts, within fifteen days after entering upon the execution thereof, to file in the office of the register in chancery of the district in which the most valuable portion of such trust estate is situated, an inventory, in writing, of all the property of such trust estate, describing each piece of real property, enumerating each article of personal property, and stating the amount and character of each debt due the same. On the return of the inventory, such trustee must take and subscribe an oath, to be administered by the register in chancery, that the same is full and complete as to the real estate, goods and chattels, debts, and money of said trust estate which have come to his possession or knowledge. When such inventory is returned, the register must appoint three disinterested appraisers in each county in which any of such property shall be situated, and must furnish them with a copy of such inventory. Such appraisers must appraise each article specified in such inventory, and situate in their county, at the true value, and set down such value opposite such article. The appraisement must be subscribed and sworn to by the appraisers before some officer authorized by the laws of this State to administer oaths, and must be returned by them to the register within thirty days after its issue. The trustee shall make supplemental inventories of any property of such estate coming to his knowledge or possession, after the return of the first inventory, and such property shall be appraised in the same manner hereinbefore provided. Such inventories and appraisements shall be recorded by the register in a book to be kept for that purpose in his office.

SEC. 5. *Be it further enacted*, That all orders made by the register requiring bonds of trustees, or remov-

ing trustees and appointing their successors, and requiring bonds of such successors, and all bonds taken by him under the provisions of this act shall also be recorded in said book. Record by register in chancery of bond and orders.

SEC. 6. *Be it further enacted*, That for his services under the provisions of this act the register shall receive the following fees and no others: For order requiring bond of trustee and all proceedings prior thereto, \$2.50; for order removing trustee in default of bond, \$1.00; for order appointing a new trustee and requiring bond of him, \$1.00; for taking and approving each bond, \$1.00; for granting order of appraisement and issuing the same for each county to which it may be necessary to issue the same, \$1.00; for all recording done under the provisions of this act, for each one hundred words, 15 cents. Such fees may be taxed by the register against the trustee individually, or to be paid out of the funds of the trust estate, or they may be taxed by him against the applicant, where they accrue upon an application, and the register shall have authority to issue execution for such fees upon rendition of services. Register's fees under this Act.

SEC. 7. *Be it further enacted*, That appraisers acting under the provisions of this act shall each be allowed two dollars per day for such time as they may be employed in making their appraisements, to be taxed and collected by the register in the same manner as his own fees, and the cost of the publication made under this act shall be taxed and collected in the same manner. Appraiser's fees.

Approved February 26, 1881.

No. 111.]

AN ACT

[s. 45.

For the protection of the people of the State against tramps.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That any person who goes from place to place or house to house begging or demanding food, raiment, lodging or other thing of value, without employment or other visible means of support, shall Tramps defined.

be held to be a common tramp within the meaning of this act.

Punishment.

SEC. 2. *Be it further enacted*, That any person convicted of being a tramp shall be fined for the first offense not less than fifty nor more than two hundred dollars, and shall be sentenced to hard labor for the county for not less than six nor more than twelve months; and on a second conviction for such offense shall be fined not less than one hundred nor more than five hundred dollars, and sentenced to hard labor for the county not less than one nor more than two years, and for each subsequent conviction shall be fined and sentenced as for the second conviction.

Released on payment of fine and costs.

SEC. 3. *Be it further enacted*, That any person convicted, fined and sentenced under this act, who shall pay in full such fine and all the costs of conviction, shall immediately after such payment be released from the sentence of hard labor, and be set at liberty.

Evidence.

SEC. 4. *Be it further enacted*, That the act of begging or vagrancy, by any person having no known residence within this State, shall be *prima facie* evidence that the person committing the same is a tramp within the meaning of this act.

Exceptions.

SEC. 5. *Be it further enacted*, That this act shall not apply to any blind person, or person visibly unable to do manual labor, or to any one asking charity within the county in which he or she has a known place of residence where they have resided six months next before arrest as a tramp.

Other penalties prescribed.

SEC. 6. *Be it further enacted*, That any tramp, within the meaning of the first section of this act, who shall enter any dwelling house or other building without the consent of the occupant thereof, or shall willfully or maliciously threaten to injure, or injure any person therein, or who shall threaten to do any injury to the real or personal estate of another, or shall demand of, or order any person to deliver or surrender to him or her anything of value whatever, such tramp, on conviction, shall be fined not less than five hundred dollars, and shall be sentenced to hard labor for the county for not less than two years.

SEC. 7. *Be it further enacted*, That this act shall take effect from and after its approval.

Approved March 1, 1881.

No. 112.]

AN ACT

[H. B. 345.]

To cede to the United States, for a limited time, jurisdiction to the United States over the site for the erection of United States government buildings, in the city of Montgomery.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the State of Alabama hereby cedes to the United States jurisdiction over the site, in the city of Montgomery, which has been or may be purchased by the United States authorities for the purpose of erecting buildings for the accommodation of the United States courts, the post-office, land office, internal revenue office, and other government offices. Said jurisdiction hereby ceded shall continue during the time the United States shall be or remain the owner of such site; and shall be exclusive for all purposes, except the administration of the criminal laws of this State, and the service of any civil process therein, as provided in the act of Congress authorizing the purchase of said site for the purposes herein named.

Jurisdiction
over certain lot
in Montgomery
ceded to U. S.
for limited
period.

Approved December 2, 1880.

No. 113.]

AN ACT

[S. 220.]

To prevent the dismissal of a bill in equity for multifariousness.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That multifariousness shall not be a sufficient cause for the dismissal of a bill in equity, unless the objection is made on demurrer.

Approved March 1, 1881.

No. 114.]

AN ACT

[H. B. 973.]

To amend section five of An act in relation to trials for misdemeanors in Tuskaloosa and other counties therein named, approved March 19, 1875.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section five of an act entitled An act in relation to trials for misdemeanors in Tuskaloosa and other counties therein named, be, and the same is, hereby amended so as to read as follows:

SEC. 5. *Be it further enacted,* That the provisions of this act be, and the same are, hereby made to apply to the counties of Dallas, Bullock, Greene, Macon, Marion, Sanford, Wilcox, Perry, Clarke, Washington, Butler and Jefferson.

Approved March 1, 1881.

No. 115.]

AN ACT

[H. B. 215.]

To provide for the binding of the reports of the Census Enumerators.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That it shall be, and is, hereby made the duty of the judges of probate in each county in the State of Alabama, to have bound in a suitable manner the reports of the census enumerators of their respective counties, and to keep the same in their offices for future reference, and the expenses of said binding shall be a just claim against the county, and the same shall be ordered paid by the commissioners court out of the county treasury.

Probate judge
must have cen-
sus enumera-
tor's reports
bound.

Approved February 17, 1881.

No. 116.]

AN ACT

[s. 39.]

To repeal An act for the preservation of game animals and birds in the counties of Mobile, Choctaw, Monroe, Clarke, Washington, Baldwin, Marengo, Lowndes, Sumter, Escambia, Hale, Dallas, Montgomery and Greene, approved February 2, 1877, so far as the same applies to the counties of Choctaw and Washington.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the act entitled An act for the preservation of game animals and birds in the counties of Mobile, Choctaw, Monroe, Clarke, Washington, Baldwin, Marengo, Lowndes, Sumter, Escambia, Hale, Dallas, Montgomery and Greene, approved February 2, 1877, so far as the provisions of the same apply to the counties of Choctaw and Washington be, and the same are, hereby repealed.

Approved February 17, 1881.

Game law repealed as to Choctaw and Washington counties.

No. 117.]

AN ACT

[s. 93.]

To repeal "An act for the preservation of game animals and birds in the counties of Mobile, Monroe, Marengo, Baldwin, Dallas, Lowndes, Hale, Montgomery, Clarke, Greene, Wilcox, Pike, Talladega, Pickens, Bibb, Autauga, Chilton, Clay and Jefferson," approved February 13, 1879, so far as relates to the counties of Jefferson, Pike, Chilton, Clay and Clarke.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act entitled "An act for the preservation of game animals and birds in the counties of Mobile, Monroe, Marengo, Baldwin, Dallas, Lowndes, Hale, Montgomery, Clarke, Greene, Wilcox, Pike, Talladega, Pickens, Bibb, Autauga, Chilton, Clay and Jefferson," approved February 13, 1879, be, and the same is, hereby repealed, so far as said act relates to the counties of Jefferson, Pike, Chilton, Clay and Clarke.

Approved February 17, 1881.

Act for preservation of game, &c. Repealed as to Jefferson, Pike, Chilton, Clay and Clarke counties.

To amend section one of "An act to prevent in certain cases the sale, exchange and transportation of cotton in the counties of Montgomery, Bullock, Dallas, Russell, Lowndes, Wilcox, Sumter, Autauga, and in beats one, two, three, four, five, six, seven, eight, nine, and twelve of Hale, and in sections 29, 30, 31 and 32, township 24, range 5, east, in beat number 18, and all that part of beat number 18 lying south of the Black Warrior river, in township 24, range 4, east, in Tuskaloosa county, and of cotton produced in said counties."

Where seed
cotton may be
sold.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That it shall not be lawful for any person to sell or offer for sale, barter, exchange, or buy, in the counties of Montgomery, Bullock, Dallas, Russell, Lowndes, Wilcox, Sumter, Autauga, and in beats numbers one, two, three, four, five, six, seven, eight, nine and twelve of Hale, and in sections 29, 30, 31 and 32, township 24, range 5, east, in beat number 18, and all that part of beat number 18 lying south of the Black Warrior river, in township 24, range 4, east, in Tuskaloosa county, any cotton in the seed, or sell, or offer for sale, barter, exchange, or buy any cotton in the seed, which is produced in the counties of Montgomery, Bullock, Dallas, Russell, Lowndes, Wilcox, Sumter, Autauga, and in beats numbers one, two, three, four, five, six, seven, eight, nine and twelve of Hale, and in sections 29, 30, 31 and 32, township 24, range 5, east, in beat number 18, and all that part of beat number 18 lying south of the Black Warrior river, in township 24, range 4, east, in Tuskaloosa county; *Provided,* this section shall not be construed to apply to any sale of cotton, made under any legal process, or under the order of any court, nor to any sale of cotton at public auction in any mortgage or deed of trust, nor to the delivery or surrender of cotton by any tenant to his landlord in payment of his rent or advances, nor to cotton delivered by one tenant in common or joint owner to another on division of the crop.

Proviso.

Approved March 1, 1881.

No. 119.]

AN ACT

[H. B. 897.]

To prohibit the sale, giving away or otherwise disposing of vinous, spirituous or malt liquors or intoxicating bitters or beverages, within Belgreen beat, Franklin county; within Pine Apple beat, Wilcox county; in Marvyn beat, in Russell county; within Fox's Mill beat, precinct No. 9, in Wilcox county, and within three miles of Arnold's Chapel, Jefferson county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That it shall be unlawful to sell, give away or otherwise dispose of any vinous, spirituous or malt liquors, or intoxicating bitters or beverages, within Belgreen beat, Franklin county; *Provided*, It shall not affect those who have already taken out license for the year 1881; within Pine Apple beat, Wilcox county; and within Marvyn beat, No. 3, in Russell county; and within Fox's Mill beat, precinct No. 14, in Wilcox county; and within three miles of Arnold's Chapel in Jefferson county, all in this State; *Provided*, That nothing in this act shall be so construed as to prevent the use of wines for sacramental purposes, or to abridge the right of any citizen from giving one or more drinks to his or her guests at his or her private residence, and that it shall not prevent the sale of domestic wines in quantities of not less than one quart, manufactured from grapes grown in this State, in which no alcoholic or spirituous liquors were used in the manufacture thereof; *And provided further*, That if any persons have taken out license for the year 1881, the license money shall be refunded to them for the unexpired term by the proper authorities.

Sale prohibited
in certain lim-
its.

Proviso as to
sacramental
and other uses.

License money
refunded.

SEC. 2. *Be it further enacted*, That if any persons violate the provisions of this act they shall be deemed guilty of a misdemeanor, and, upon conviction, must be fined in a sum of not less than fifty dollars nor more than five hundred dollars, and may be imprisoned or sentenced to hard labor for the county not exceeding twelve months, at the discretion of the court or jury trying the same.

Approved March 1, 1881.

Title of Act.

To prohibit the sale, giving away, or otherwise disposing of spirituous, vinous or malt liquors or intoxicating bitters, at or within certain localities in this State hereinafter designated, to-wit: At or within three miles of Hepzibah church, in Pike county; and at or within Radfordville, Perryville, Oak Grove, Pinetucky, Sevier, Herds, Marion, Old Town and Hamburg beats, in the county of Perry; and at or within the radius of three miles of Hebron church, in Cherokee county; and at or within three miles of Mount Vernon Baptist church, DeKalb county; and at or within eight miles of the court-house in the town of Linden, Marengo county; and at or within two miles of Hickory Flat church, in Madison county; and within three miles of Escatawpa Baptist and Methodist churches in Washington county; and at or within four miles of Prosperity church, in Dallas county; and at or within two miles of the Baptist and Methodist churches, in Brier Hill, Pike county; and at or within five miles of Pintlala Grange Hall, in Montgomery county; and at or within four miles of any coaling kilns or ovens or pits, used or employed or to be used or employed for making charcoal by or for the use of the Shelby Iron Company, in the county of Shelby; and at or within five miles of the Methodist, Baptist and Presbyterian churches of Columbiana, and Good Hope and Bethlehem churches in beats one and two (1 and 2), all in Shelby county; and at or within six miles of Union church, beat eleven, Shelby county; and within seven miles of Friendship Baptist church, in Marengo county; and at or within four miles of the Presbyterian church at Pine Flat, in the county of Autauga, (provided the provisions of this act shall not apply to Elmore county); and in Pickens county, five miles east, five miles south, and five miles west of Andrew Chapel church, and as far north as the Pickens county line extends; and within five miles of Montgomery Hill Baptist church, in Baldwin county; and from the county line west to the township line east, and six miles south and six miles north of the town of Mount Hope, Lawrence county; and in beats one, two and three (1, 2 and 3), in the county of Autauga; and in

beat one (1), in Conecuh county; and at or within five miles of Ebel church, in Fayette county; and within three miles of Lebanon, DeKalb county; and within five miles of the Coaling Station on the Alabama Great Southern railroad in Tuscaloosa county; and in Jefferson beat, in Marengo county; and within three miles of Macedonia church, in beat sixteen (16) in Calhoun county; and within three miles and a half of Bethel church, beat number sixteen (16), in Tallapoosa county; and in beat number six, known as Castleberry beat, in Conecuh county; and within three and a half miles of the Baptist, Presbyterian and Methodist churches in the town of Orion, in Pike county; *Provided*, That the prohibited limits as to the town of Orion shall extend north only one mile; and within three miles of Walker's Chapel or New Macedonia church, in township (16) range three (3) west, in Jefferson county; and within four miles of Shiloh Baptist church, Pike county; *Provided*, as to Shiloh church, Pike county, said incorporation shall not extend farther than one mile north; and within five miles of Muscadine church in Cleburne county; and in beat number two, known as Fairfield beat, in Covington county; and in Spring Hill, and in six miles thereof, in Marengo county; and in beat number one in Butler county; and within two miles of the Methodist church north of Eufaula, near the Primitive Baptist church, known as the White church, in Barbour county; and within three miles of Woodville, Jackson county; and within five miles of Bethel church in Elmore county; and in beat number three (3), known as Masonic beat, in Russell county; and in Manningham beat and Butler Spring beat, Butler county; and within six miles of the Academy at Perote, Bullock county; and within three miles of Landersville; and within six miles of Bethel church, Lawrence county; and within five miles of Mount Zion Methodist church, Chambers county; and within two miles of the court house at Hayneville, Lowndes county; and within three miles of Union church, near Smith, Taft & Marbry's mill, Autauga county; and at or within four miles of Tollgate, in Marion county; and within townships one and two in range thirteen, in the county of Lauderdale; and within the limits of Boiling Springs

beat, in Wilcox county; and within the limits of Bonham's beat, Wilcox county; and at or within three miles of Union church, in the county of Autauga; and within five miles of New Hope church, and five miles of Union church, Washington county; and within three miles of Lebanon church, and four miles of Philadelphia church, in Fayette county; and within two miles of Centre Star church, in Lauderdale county; and within five miles of the Presbyterian church at Carthage, Hale county; and in beat number nine, in Hale county; and that portion of township twelve (12), range one (1), west, lying in Marengo county; and within four miles of Womack Hill church, in Choctaw county; and within seven miles of the Methodist and Baptist churches at Benton, in Lowndes county; and within seven miles of the Baptist and Methodist churches in Fort Deposit, Lowndes county; and within three miles of Stephenson hotel, Stephenson, in Jackson county; and within three miles of McArthur academy, near Colliersville, in the county of Chilton; and within six miles of Wacoochee academy, in Lee county; and within ten miles of the town of Rehoboth, in Wilcox county; also to include all of Rehoboth precinct, number three (3), in Wilcox county; *Provided*, That this act, so far as it relates to Rehoboth, in Wilcox county, shall not apply to any territory in Perry or Dallas counties; and within Belmont beat, in Sumter county; and within three miles of Cuba Station, in Sumter county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act, it shall be unlawful for any person or persons to sell, give away, or otherwise dispose of any spirituous, vinous or malt liquors, or intoxicating bitters, at or within the localities in this State hereinafter designated, to-wit: At or within three miles of Hepzibah church, in Pike county; and within Radfordville, Perryville, Oak Grove, Pinetucky, Sevier, Herds, Marion, Old Town, and Hamburg beats, in the county of Perry; and, at or within the radius of three miles of Hebron church, in Cherokee county; and at or within three miles of Mount Vernon Baptist church, in

Sale of liquor
prohibited in
various places
mentioned.

DeKalb county; and at or within eight miles of the court house in the town of Linden, in Marengo county; and within two miles of Hickory Flat church, in Madison county; and within three miles of Escatawpa Baptist and Methodist churches, in Washington county; and within four miles of Prosperity church, in Dallas county; and within two miles of the Baptist and Methodist churches in Brier Hill, Pike county; and within five miles of Pintlala Grange Hall, in Montgomery county; and at or within four miles of any coaling kilns, or ovens or pits used or employed, or to be used or employed, for making charcoal by, or for, the use of the Shelby Iron Company, in the county of Shelby; and at or within five miles of the Methodist, Baptist, or Presbyterian churches of Columbiana, and Good Hope and Bethlehem churches, in beats one and two (1 and 2), all in Shelby county; and at or within six miles of Union church, beat eleven, in Shelby county; and within seven miles of Friendship Baptist church, in Marengo county; and within four miles of the Presbyterian church at Pine Flat, in the county of Autauga; *Provided*, The provisions of this act shall not apply to Elmore county; and in Pickens county, five miles east, five miles south, and five miles west of Andrew Chapel church, and as far north as the Pickens county line extends; and within five miles of Montgomery Hill Baptist church, in Baldwin county; and from the county line west, to the township line east, and six miles south, and six miles north of the town of Mount Hope, Lawrence county; and in beats one, two, and three (1, 2, and 3), in the county of Autauga; and in beat number one (1), in Conecuh county; and at or within five miles of Ebel church, in Fayette county; and within three miles of Lebanon, DeKalb county; and within five miles of Coaling Station, on Alabama and Great Southern railroad, in Tuscaloosa county; and in Jefferson beat, in Marengo county; and within three miles of Macedonia church, in beat sixteen (16), in Tallapoosa county; and within three and a half miles of Bethel church, beat sixteen (16), in Calhoun county; and in beat No. six, known as Castleberry beat, in Conecuh county; and within three and a half miles of the Baptist, Presbyterian, and Methodist churches, in the town of Orion, in Pike county; *Provided*, That

the prohibited limits as to said town of Orion shall extend north only one mile; and within three miles of Walker's Chapel, or New Macedonia church, in township sixteen (16), range three (3), west, in Jefferson county; and within four miles of Shiloh Baptist church, in Pike county; *Provided*, As to Shiloh church, Pike county, said incorporation shall not extend farther than one mile north; and within five miles of Muscadine church, in Cleburne county; and in beat No. two (2), known as Fairfield beat, in Covington county; and in Spring Hill, and within six miles thereof, in Marengo county; and within beat No. one (1), in Butler county; and within two miles of the Methodist church north of Eufaula, near the Primitive Baptist church, known as White church, in Barbour county; and within three miles of Woodville, Jackson county; and within five miles of Bethel church, in Elmore county; and within beat No. three (3), known as Masonic beat, in Russell county; and in Manningsham beat, and Butler Spring beat, Butler county; and within six miles of the academy at Perote, Bullock county; and within three miles of Landersville, and within six miles of Bethel church, Lawrence county; and within five miles of Mount Zion Methodist church, Chambers county; and within two miles of the court house at Hayneville, Lowndes county; and within three miles of Union church, near Smith, Taft and Marbry's Mill, in Autauga county; and at or within four miles of Tollgate, in Marion county; and within townships one and two, in range thirteen (13), in the county of Lauderdale; and within the limits of Boiling Springs beat, in Wilcox county; and within the limits of Bonham's beat, Wilcox county; and at or within three miles of Union church, in the county of Autauga; and within five miles of New Hope church, and five miles of Union church, in Washington county; and within three miles of Lebanon church, and four miles of Philadelphia church, Fayette county; and within two miles of Centre Star church, in Lauderdale county; and within five miles of the Presbyterian church at Carthage, Hale county; and in beat No. nine (9), Hale county; and that portion of township twelve (12), range one (1), west, lying in Marengo county; and within four miles of Womack Hill church, Choctaw

county; and within seven miles of the Methodist and Baptist churches at Benton, in Lowndes county; and within seven miles of the Methodist and Baptist churches in Fort Deposit, in Lowndes county; and within three miles of Stevenson Hotel, Stevenson, Jackson county; and within three miles of McArthur Academy, near Colliersville, in the county of Chilton; and within six miles of Wacoochee Academy, in Lee county; and within ten miles of the town of Rehoboth, in Wilcox county; also, to include all of Rehoboth precinct No. three (3), in Wilcox county; *Provided*, That the provisions of this act shall not go into effect till on or after the first day of January next, so far as it relates to Rehoboth precinct, in Wilcox county; *And provided further*, That this act, so far as it relates to Rehoboth, in Wilcox county, shall not apply to any territory in Perry or Dallas counties; and in Belmont beat, in Sumter county; and within three miles of Cuba Station, in Sumter county.

SEC. 2. *Be it further enacted*, That any person violating any of the provisions of this act shall be guilty of a misdemeanor, and on conviction thereof shall be fined in a sum of not less than fifty dollars nor more than five hundred dollars, and may also be imprisoned in the county jail or sentenced to hard labor for the county not more than six months, at the discretion of the jury trying the same; *Provided*, That persons who have taken out licenses for the year 1881, shall be refunded the license money for the unexpired term, by the proper State and county authorities having the same in hand; *And provided further*, That nothing in this act shall prevent any person from selling, in quantities not less than one quart, of wine made in this State from grapes grown therein, to which no spirituous liquor has been added in the making thereof, nor for use for sacramental purposes, nor to persons using the same in their own families and for guests; *And provided further*, That the provisions of this act shall not take effect, until the first day of May, 1881, so far as the same applies to the town of Linden, and within eight miles thereof, and Jefferson beat in said act mentioned; *And provided further*, That if a license to retail or wholesale, within such prohibited region in Jackson county, has been granted or issued by the proper authorities, the license shall be respected until its expi-

Penalties violations
this Act. for
of

License re-
funded.

What may be
sold.

When law
takes effect.

ration; *And provided further*, That the provisions of this act shall not go into effect, as to Benton and Hayneville, in Lowndes county; and within six miles of Wacoochee academy, in Lee county; and in and within ten miles of the town of Rehoboth, and in Rehoboth precinct No. three, in Wilcox county; and in Belmont beat; and within three miles of Cuba Station, in Sumter county, till on and after the first day of January next; *And provided further*, That so far as beat No. nine, in Hale county, and the district within five miles of the Presbyterian church in Carthage beat, in Hale county, is concerned, if any licenses have been taken out for the sale of spirituous liquors therein, then, in that event, the provisions of this act shall not apply to the parties who have taken out such licenses until the expiration of the time therein prescribed.

Approved February 28, 1881.

No. 121.]

AN ACT

[H. B. 575.]

To prevent the sale, giving away, or otherwise disposing of spirituous, vinous, or malt liquor, or intoxicating bitters or beverages, within certain limits and territory defined therein, viz: within six miles of Pine Hill Methodist church, in Wilcox county; within five miles of Mount Carmel church, in Montgomery county; within five miles of Rehoboth church, in Crenshaw county; within five miles of Baldwin's Chapel, in Bullock county; within five miles of Grace's church, commonly called County Line church, in Boykin's beat, in Dallas county; within six miles of the Methodist church in the town of Richmond, Dallas county; *Provided*, That the provisions of this act shall not apply to the town of Minter, in said county; within five miles of the Methodist church near Farmersville, Lowndes county; within a radius of five miles of the town of Centre, in the county of Cherokee; within six miles of Providence church, located in beat No. 1, in Butler county; within one and one-half miles of Walnut Creek church, in beat No. 4, in the county of Chilton; at or within one mile of Palmyra church, in Barbour county; within two and one-half

miles of Alice Furnace, in Jefferson county, except within the incorporate limits of the city of Birmingham; at or within one mile of Wilkie's Camp Ground, in Barbour county; and within one and one-half miles of Weaver's Station, beat No. 3, in Calhoun county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That it shall be unlawful for any person to sell, give away, or otherwise dispose of any vinous, spirituous or malt liquors, or intoxicating bitters or beverages, within the limits prescribed of the following places, to-wit: Within six miles of Pine Hill Methodist church, in Wilcox county; within five miles of Mount Carmel church, in Montgomery county; within five miles of Rehoboth church, in Crenshaw county; within five miles of Baldwin's Chapel, in Bullock county; within five miles of Grace's church, commonly called County Line church, in Boykin's beat, in Dallas county; within six miles of the Methodist church in the town of Richmond, Dallas county; *Provided*, That the provisions of this act shall not apply to the town of Minter, in said county; within five miles of the Methodist church near Farmersville, Lowndes county; within a radius of five miles of the town of Centre, in the county of Cherokee; within six miles of Providence church, located in beat No. 1, Butler county; within one and one-half miles of Walnut Creek church, in beat No. 4, in the county of Chilton; at or within one mile of Palmyra church, in Barbour county; within two and one-half miles of Alice Furnace, in Jefferson county, except within the incorporate limits of the city of Birmingham; at or within one mile of Wilkie's Camp Ground, in Barbour county; and within one and one-half miles of Weaver's Station, beat No. 3, in Calhoun county; *Provided*, That this act shall not be so construed as to prevent the use of wines for sacramental purposes, or to abridge the right of any person from giving one or more drinks to any person at his or her private residence, and that it shall not prevent the sale of domestic wines, in quantities not less than one quart, manufactured from grapes grown in this State, in which no alcoholic or spirituous liquors were used in the manufacture thereof; *Provided further*, That if any per-

Sale of liquor
prohibited
within certain
limits.

Proviso.

License money
refunded.

son or persons have taken out license for the year 1881, the license money shall be refunded for the unexpired term of such license by the proper authorities.

Penalties.

SEC. 2. *Be it further enacted*, That any person or persons violating the provisions of this act shall be deemed guilty of a misdemeanor, and, upon conviction thereof, must be fined in the sum of not less than fifty nor more than five hundred dollars, and may be imprisoned in the county jail, or sentenced to hard labor for the county for a term not exceeding twelve months, one or both, at the discretion of the court or jury trying the same.

Approved March 1, 1881.

No. 122.]

AN ACT

[H. B. 506.]

To prohibit the sale, giving away, or otherwise disposing of vinous, spirituous or malt liquors, or intoxicating bitters or beverages, within three miles of the following places, viz: Oak Level academy, in Cleburne county; the Baptist church in the town of Pine Level, in Montgomery county; Pine Grove church, in Fayette county; Sardis church, in Greene county; Tuckersburg, in the county of Chambers; Little Oak, in Pike county; Lebanon Methodist church, in Fayette county; Ruhama church, in Taskaloosa county; Trussville, in Jefferson county; and Ruhama church, Jefferson county; Crumley's chapel, in Jefferson county; Pine Springs church and Bethel church, in Lamar county; New Bethel church and Cherry Grove church, in Cleburne county; Ruhama Baptist church, in Jefferson county; and the school house at Plantersville, in Dallas county.

Sale of liquor
prohibited
within three
miles of certain
places.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That it shall be unlawful for any person or persons, to sell, give away, or otherwise dispose of any spirituous, vinous, or malt liquors, or intoxicating bitters or beverages, within three miles of Oak Level academy, in Cleburne county; and within three miles of the Baptist church in the town of Pine Level, in Montgomery county; and within three miles of Pine

Grove church, in Fayette county; and within three miles of Sardis church, in Greene county; and within three miles of Tuckersburg, in the county of Chambers; and within three miles of Smithville Missionary Baptist church, located at Toadvine, in Jefferson county; and within three miles of Little Oak, Pike county; Lebanon Methodist church, in Fayette county; Ruhama church, in Tuskaloosa county; Trussville, in Jefferson county; Ruhama church, in Jefferson county; Crumley's chapel, in Jefferson county; Pine Spring church and Bethel church, in Lamar county; New Bethel church and Cherry Grove church, in Cleburne county; Ruhama Baptist church, in Jefferson county; and the school house at Plantersville, in Dallas county, in the State of Alabama; *Provided*, That the provisions of this act shall not be so construed as to prevent the use of wines for sacramental purposes, or to abridge the right of any citizen from giving away one or more drinks of spirits at his or her private residence; *And Provided further*, That this act shall not be so construed as to prohibit the manufacture of domestic wine, or its sale in quantities not less than one quart, manufactured from grapes grown in this State, in which no alcoholic or spirituous liquors were used in the manufacture thereof; *And Provided further*, That if any person or persons have taken out license for the sale of ardent spirits for the year 1881, within any of the above specified limits, the license money shall be refunded to them for the unexpired term by the proper authorities; *Provided further*, That this act so far as it relates to Dallas county, shall not take effect till the first day of January, 1882.

Wine for sacramental purposes, and domestic wines.

License money refunded.

Dallas county.

SEC. 2. *Be it further enacted*, That any person or persons violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in a sum of not less than fifty nor more than five hundred dollars, and may be imprisoned in the county jail or sentenced to hard labor for the county for a term not exceeding twelve months—one or both, at the discretion of the court or jury trying the same.

Penalties.

Approved March 1, 1881.

No. 1224.]

AN ACT

[H. B. 150.]

To provide for the codifying and publishing in pamphlet form the road laws of Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That within sixty days after the passage of this act it shall be the duty of the Secretary of State and the Attorney General to codify the road laws of Alabama, as they stand after the close of the present session of the General Assembly, and have the same published in pamphlet form as hereinafter provided.

Secretary of State and Attorney General must codify the road laws.

Probate judges notified.

SEC. 2. *Be it further enacted*, That as soon as practicable after the passage of this act, the Secretary of State shall inform the probate judges of the several counties of this State of the passage of the same. Whereupon the said probate judges shall, as soon as practicable, notify the Secretary of State, by mail, of the number of apportioners and overseers of public roads in their respective counties.

Printing the laws.

SEC. 3. *Be it further enacted*, That upon the reception of such notice by the Secretary of State, he shall have published in pamphlet form a sufficient number of copies of the road laws as codified, as provided for in the first section of this act, to furnish all of said road officers in the State with at least one copy, and shall notify the probate judges of the amount of the cost of said printing that is charged to their respective counties, the expense of the printing being distributed among the counties in proportion to the number of copies required for each county; and upon the receipt of such notice, the probate judges shall be authorized to draw their warrants upon their respective county treasurers for the amount due by said county for said printing, which shall be a preferred claim, and forward as soon as practicable the amount of money so drawn to the Secretary of State.

Counties to pay for printing.

Laws sent to probate judges.

SEC. 4. *Be it further enacted*, That upon the receipt by the Secretary of State of the amount due from any county he shall forward to the probate judge of such county, the number of copies of said road laws to which the same may be entitled; to be distributed by the probate judges to the apportioners and overseers of public roads in their respective counties.

SEC. 5. *Be it further enacted*, That it shall be the duty of any road officer receiving a copy of the road laws, to keep and preserve the same and deliver it to his successor in office.

Copy of laws
belongs to road
officer.

SEC. 6. *Be it further enacted*, That the printing provided for in this act shall be done under the contract for other public printing.

Approved March 1, 1881.

No. 123.]

AN ACT

[H. B. 749.

To regulate the compensation of Sheriffs for the removal of prisoners.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That for removing prisoners under order of a circuit or city judge, upon removal of trial, or when arrested and confined in jail in a county other than that in which he is triable, the sheriff shall receive for every twenty miles of the distance between the places from and to which the removal is made—computed at the shortest distance between the two places by any route usually traveled—two and a half dollars for himself, two dollars for each guard, and one dollar and twenty-five cents for the prisoner.

Sheriff's fees.

SEC. 2. *Be it further enacted*, That the fees herein provided shall be paid by the defendant, on conviction, and by the State, if he is acquitted, or insolvent; *Provided*, That no allowance shall be made for any guard in any case hereinbefore mentioned, unless the circuit or city judge making the order of removal, shall set forth in such order that upon investigation he believes a guard to be necessary, and such order shall also designate the number of such guards allowed, in no case to exceed two for each prisoner.

How paid.

SEC. 3. *Be it further enacted*, That whenever any person charged with the commission of a crime in any county of this State shall be arrested and confined in jail in a county other than that in which he is triable, it shall be the duty of the sheriff, or jailer of the county in which such person is arrested and confined, at once to notify the sheriff of the county in which he is

Duty of
sheriffs.

triable, and upon the reception of such notice it shall be the duty of the sheriff to apply to the judge of the circuit court, or the judge of the city or criminal court in his county, for an order to remove such person so arrested and confined to the jail of his said county.

SEC. 4. *Be it further enacted*, That all laws and parts of laws providing for compensation of sheriffs on removals of prisoners under order of circuit or city judge, upon removal of trial, or when arrested and confined in jail in a county other than that in which he is triable, heretofore enacted, be, and the same are, hereby repealed.

Approved March 1, 1881.

No. 124.]

AN ACT

[H. B. 225.]

In relation to the fees of probate judges in cases not now provided for by law.

SECTION 1. *Be enacted by the General Assembly of Alabama*, That probate judges shall be allowed the following fees in cases not now provided for by law: For taking and certifying proof and acknowledgements of conveyances, &c., 50 cents. For each decree in final settlement, 50 cents. For order appointing general guardian or administrator, or administrator *ad litem*, \$1 00.

Fees of probate judges.

SEC. 2. *Be it further enacted*, That whenever an executor, administrator, special administrator, guardian, general guardian, or other person acting in either of these capacities, shall make an annual, partial or final settlement of an executorship, administration or guardianship, or whenever decree may be rendered on an account stated by the court against either of said officers in the probate court, a decree may be rendered against him for the fees and charges then due in the name of the judge of probate, for the use of the officers of court, to be collected as other decrees in said court are collected, and the person against whom said decree is rendered shall be entitled to credit on his account with the estate of which he is executor or administrator, or with the ward of whom he is guardian, for so

Decree rendered for fees and charges due.

much of said fees and charges as would have been a proper credit on said account, if he had paid the same before the rendition of said decree, and the probate judge shall be liable to all persons who are entitled to any part of the fees and charges which he may collect on said decree for fees and charges.

Approved March 1, 1881.

No. 125.]

AN ACT

[s. 29.

To make the owner of property, as to which the offense of malicious mischief is charged, a competent witness on the trial of the same.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act, in all trials had under section 4408 of the Code of Alabama for unlawful and malicious injury to personal property, the owner of the property so injured, disfigured, or destroyed, shall be a competent witness to testify therein.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict herewith be, and the same are, hereby repealed.

Approved February 1, 1881.

No. 126.]

AN ACT

[H. B. 853.

To amend section one of an act entitled "An act to authorize fire and marine insurance companies in this State to reduce their capital stock," approved January 29, 1879.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section one of an act entitled "An act to authorize fire and marine insurance companies in this State to reduce their capital stock," approved January 29, 1879, be, and the same is, hereby amended so as to read as follows: Section 1. *Be it enacted by the General Assembly of Alabama*, That any fire or marine,

Shall not re-
duce to less
than \$100,000.

or fire and marine insurance companies, incorporated by or under any law of this State, and doing business in this State, having a capital stock of more than one hundred thousand dollars, may reduce its capital stock to such an amount as it may think proper; *Provided*, That the capital stock, after such reduction, shall not be less than one hundred thousand dollars; *And provided further*, That no claim existing against such insurance company at the time of such reduction, shall be thereby impaired.

Approved March 1, 1881.

No. 127.]

AN ACT

[H. B. 154.]

To amend "An act to require a person who employs, or in any way engages, laborers in the counties of Dallas, Perry, and other counties therein named, for the purpose of removing said laborers from the State, to pay a license tax," approved January 22, 1879.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section one of an act entitled "An

Must pay li-
cense tax of
\$250, to be paid
over to Super-
intendent of
Education.

act to require a person who employs, or in any way engages, laborers in the counties of Dallas, Perry, Butler, Autauga, Wilcox, Washington, Barbour, Marengo, Pike, Montgomery, Covington, Tallapoosa, Hale, Henry, Russell, Lowndes, Greene, Elmore, Macon, Talladega, Shelby, Bibb, Bullock, Lee, and Tuskaloosa, for the purpose of removing said laborers from the State, to pay a license tax," approved January 22, 1879, be, and the same is, hereby amended so as to read as follows, to-wit: Section 1. *Be it enacted by the General Assembly of Alabama*, That no person, whether for himself or for other persons, shall be permitted to employ, engage, contract, or in any other way induce laborers to leave the counties of Dallas, Perry, Butler, Autauga, Wilcox, Washington, Barbour, Marengo, Pike, Montgomery, Covington, Tallapoosa, Hale, Henry, Russell, Lowndes, Greene, Elmore, Macon, Talladega, Shelby, Bibb, Bullock, Lee, Tuskaloosa, and Chambers, for the purpose of removing said laborers from this State, without first paying to each of said counties in

which such person shall so operate a license tax of two hundred and fifty dollars, such license tax to be collected as other license taxes and paid over to the county superintendents of education of said counties, to be disbursed by them as other school funds.

Approved December 8, 1880.

No. 128.]

AN ACT

[H. B. 956.]

To authorize the commissioners court, or court or board of county revenues, of the counties of Marengo, Sumter, Montgomery, Hale, Dallas, Autauga, Wilcox, Lowndes, Russell, Monroe, Lawrence, and Perry, to establish or abolish districts in which stock may be prevented from running at large.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the commissioners court, or court or board of county revenues, of the counties of Marengo, Sumter, Montgomery, Hale, Dallas, Autauga, Wilcox, Lowndes, Russell, Monroe, Lawrence, and Perry, may establish districts in said counties, in which stock shall not be allowed to run at large, or they may abolish such districts heretofore or hereafter established. Establish or abolish districts in which stock not to run at large.

SEC. 2. *Be it further enacted*, That whenever any ten freeholders petition said court in writing, stating that they desire an order to be made establishing a district wherein stock shall not be allowed to run at large, fully describing such district, and stating that petitioners reside in such district, or if such petition is to abolish such a district or portion thereof heretofore or hereafter established, the petition must describe the district clearly, and petitioners reside therein; that in either case the petition must be filed with the probate judge at least thirty days before the next term of the commissioners court, or court or board of county revenues, and he must cause a notice of said application to be posted at the court, and copies thereof to be posted in three public places in the district described in the application or petition; *Provided*, That where a newspaper is published in the county, at least one notice of the How said districts can be established.

said application shall be given in such paper of the day of hearing such application.

Order of court. SEC. 3. *Be it further enacted*, That said county commissioners, or court or board of county revenues, must, if such petition or application is filed thirty days before the term commences, and such notices are posted as above provided, hear the petitioners, and any persons that may be opposed thereto, and must make an order granting or dismissing such petition, in whole or in part; such order must clearly describe the district therein established or abolished; such order to go into effect thirty days after it is made. If such order abolishes a district or a portion thereof heretofore or hereafter established, such order shall operate as a repeal of the order or law establishing such district or portion thereof abolished by such order. If such order establishes a district in which stock are not allowed to run at large therein, the owner of any stock running at large in such district shall be liable to the party injured for his damages done by said stock to any lands, or to any crops, fruit trees, shrubbery, or other property in said district. The party injured shall have a lien superior to all other liens on the stock doing such damage for all damage done by such stock.

How damage for property injured can be recovered. SEC. 4. *Be it further enacted*, That whenever any damage has been done to any property in the said district by stock running at large in violation of the provisions of this act, the party whose property has been damaged may, within ten days after such damage was done, make complaint against the owner of the stock doing the damage, to a justice of the peace, or notary public, of the precinct in which such damage was done, or if there be no justice of the peace, or notary public, of the precinct in which such damage was done, then to a justice of the peace, or notary public, of any adjoining precinct, describing the property damaged and the stock doing the damage; and whenever such complaint is made to the justice of the peace, or notary public, to whom it is made shall issue notice to the owner of such stock commanding him to appear and answer such complaint, on a day not less than five nor more than ten days from issuance of such complaint, said justice of the peace, or notary public, shall also issue notice to three disinterested freeholders, to be selected by him,

commanding them to assess and report to him on the day on which the owner of said stock is required to answer said complaint, on their oaths, the amount of damages the complainant has sustained, which report shall be evidence on the trial of the cause, and if the owner of said stock appears on the day he is commanded to appear and answer said complaint, the justice of the peace, or notary public, shall try such cause and render such judgment therein as the justice and equity of the case demands. But if the owner of such stock does not appear and answer, the justice of the peace, or notary public, shall give judgment for the complainant for such damages as he may have sustained, and if judgment be rendered for the complainant the justice of the peace, or notary public, shall also render judgment condemning the stock doing the damage to be sold for the satisfaction of such judgment and the costs of suit; and shall issue execution on such judgment, commanding any constable of the county to levy on and sell such stock, describing them in the execution, for the satisfaction of such judgment and costs.

SEC. 5. *Be it further enacted*, That either party shall have the right to appeal from the judgment of the justice of the peace, or notary public, in such cause. Right of appeal.

SEC. 6. *Be it further enacted*, That the owner or manager of any stock, who shall knowingly suffer such stock to run at large in violation of the provisions of this act, shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than three nor more than twenty-five dollars; *Provided*, That justices of the peace, or notaries public, shall have jurisdiction of the offenses under this section; *And provided further*, That all prosecutions under this section must be commenced in twenty days after the commission of the offense, and that the party injured by such stock shall alone have the right to institute such prosecution.

Approved February 28, 1881.

No. 129.]

AN ACT

[H. B. 356.]

To authorize the commissioners courts of the counties of Talladega, Pickens, Perry and Jefferson to lay off said counties into four commissioners' districts.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the commissioners courts of the counties of Talladega, Pickens, Perry and Jefferson be authorized, and they are directed, to lay off said counties into four commissioners' districts as near equal in population as may be.

SEC. 2. *Be it further enacted,* That the qualified voters of said counties shall elect one commissioner for each district, whose term of service shall commence at the expiration of the terms of the present incumbents, and said commissioners shall reside in the districts for which they are severally elected.

SEC. 3. *Be it further enacted,* That all laws contravening the provisions of this act be, and the same are, hereby repealed.

Approved February 5, 1881.

No. 130.]

AN ACT

[H. B. 396.]

In relation to mileage of the members of the General Assembly from Greene, Bullock, Cherokee, Wilcox, Marion, Lamar, Russell, Coffee, Pike and Talladega counties, and to repeal so much of an act entitled "An act to amend section 43 of the Code of Alabama, with relation to mileage of officers and members of the General Assembly," approved February 5, 1879, as relates to Greene, Cherokee, Wilcox, Marion, Lamar, Russell, Coffee, Pike and Talladega counties.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That each member of the General Assembly from Greene, Bullock, Cherokee, Wilcox, Marion, Lamar, Russell, Coffee, Pike and Talladega counties shall be allowed ten cents a mile for every mile's travel in going to and returning from the seat of government, estimating the distance from the county seat of Greene

county to Montgomery at one hundred and eighty-seven miles; and from the county seat of Bullock at forty-five miles; and from the county seat of Cherokee at one hundred and eighty-three miles; and from the county seat of Wilcox at one hundred and ten miles; and from the county seat of Marion at two hundred and fifty miles; and from the county seat of Lamar at two hundred and fifty miles; and from the county seat of Russell at seventy-four miles; and from the county seat of Coffee at one hundred and two miles; and from county seat of Pike at seventy-six miles; and from the county seat of Talladega at one hundred and ten miles.

Distance fixed.

SEC. 2. *Be it further enacted*, That the provisions of this act shall be in force and apply to the present General Assembly of Alabama, and to be the mileage of the present members from said counties.

SEC. 3. *Be it further enacted*, That so much of an act entitled "An act to amend section 43 of the Code of Alabama, with relation to the mileage of officers and members of the General Assembly," approved February 5, 1879, so far as the same relates to the counties of Greene, Cherokee, Wilcox, Marion, Lamar, Russell, Coffee, Pike and Talladega, be, and the same is, hereby repealed.

Apply to present Legislature.

Approved March 1, 1881.

No. 131.]

AN ACT

[H. B. 196.]

To prohibit the sale of spirituous, vinous or malt liquors, or other intoxicating beverages, in the counties of Etowah, Cherokee, DeKalb and Tallapoosa, State of Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act it shall not be lawful for any person to sell, or otherwise dispose of, spirituous, vinous or malt liquors, or other intoxicating beverages, or bitters, whatever, within the limits of Etowah, Cherokee, DeKalb and Tallapoosa counties in the State of Alabama.

Sale of spirituous, vinous or malt liquors forbidden.

SEC. 2 *Be it further enacted*, That it shall not be lawful for any druggist, or person whose stock in trade

Druggists can only sell on written prescription of physician, consists wholly or in part in drugs, his clerk, agent, servant or apprentice, to sell, give away, or otherwise dispose of, spirituous, vinous, malt or fermented liquors, or intoxicating bitters, whether patented or not, under any device, name, letter, mark, character or description whatever, to any person in any quantity, except wine for sacramental use, without first obtaining or receiving a written prescription from a regular practicing physician, and there shall be but one sale upon each prescription.

No physician who owns drug store to prescribe.

SEC. 3. *Be it further enacted*, That no physician, who is also a druggist, or whose stock in trade consists wholly or in part of drugs, and no physician who is a copartner with a druggist or in any way pecuniarily interested with a druggist in the sale of drugs, shall sell, give away, or otherwise dispose of, spirituous, vinous or malt liquors, or intoxicating bitters of any description whatever, upon a prescription which he, the said physician, has himself given to a person desiring to purchase spirituous, vinous or malt liquors, or intoxicating bitters, nor shall any druggist sell, give away, or otherwise dispose of, such liquors upon the prescription of any physician who is his partner in business; *Provided*, That nothing herein contained shall prevent a physician from personally administering spirituous or vinous liquors in limited quantities to any patient whom he may be professionally attending.

Penalties, &c.

SEC. 4. *Be it further enacted*, That any person violating the provisions of this act, or of any section thereof, shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than one hundred dollars nor more than five hundred dollars; *Provided*, That the rights of any person holding a license as a wholesale or retail liquor dealer in said county or incorporation shall not be affected until the 31st day of December, 1881; *Provided further*, The provisions of this act shall not prevent any citizen of this State from selling wine in quantities not less than one quart, made by him from grapes raised by him, to which no spirituous liquor was added in making the same.

Approved February 28, 1881.

No. 132.]

AN ACT

[s. 154.]

To prohibit the sale, or disposing of, spirituous, vinous or malt liquors, or other intoxicating beverages, in the counties of Monroe, Escambia and Pickens, on and after January 1st, 1882.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That on and after the first day of January, 1882, it shall be unlawful for any person or persons to sell, keep for sale, or otherwise dispose of, any spirituous, vinous or malt liquors, or other intoxicating beverages, or intoxicating bitters, within the limits of the counties of Monroe, Escambia and Pickens; *Provided*, That any licensed practicing physician in said counties may keep and dispose of, for medical purposes alone, spirituous or vinous liquors; *Provided further*, That the quantity of spirituous or vinous liquors kept on hand at any time by said physician shall in no case exceed five gallons, and he shall dispose of such liquors in no other way than under medical prescription, and said physician must charge for each said prescription not less than his usual charge for prescriptions; also, any physician of said counties violating the provisions of this section shall, on conviction, be made to incur the penalty contained in section 2 of this act.

SEC. 2. *Be it further enacted*, That any person violating the provisions of the foregoing section shall, on conviction, be fined not less than one hundred nor more than five hundred dollars for each offense, and may be imprisoned in the county jail or sentenced to hard labor for the county, at the discretion of the court trying the same; *Provided*, That nothing in this act shall prevent any person from selling wine, in quantities not less than one quart, made in this State from grapes raised therein.

Approved February 23, 1881.

No. 133.]

AN ACT

[H. B. 950.]

To prohibit the manufacture, or sale, or other disposition of, vinous, spirituous, malt, or other intoxicating liquors, within the limits of the counties of Limestone and Clarke, in this State.

Sale of liquor
prohibited after
December 31st,
1881.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the 31st day of December, 1881, it shall be unlawful for any person to distill, brew, or otherwise manufacture, or sell, give away, or otherwise dispose of, any vinous, spirituous, malt, or other intoxicating liquors, or any intoxicating decoction, mixture, compound, or bitters, whatever, in any quantity, or for any use or purpose, whatever, scientific, medical, or other use or purpose, within the limits of the counties of Limestone and Clarke, in this State; *Provided*, That this section shall not apply to the use of wine for sacramental purposes, or to the social or domestic use of such liquors in private residences; *And provided further*, That nothing in this act contained shall be construed so as to prevent regular practicing physicians, who have complied with the laws of this State regulating the practice of medicine, from administering such liquor, or compound thereof, when necessary, in their actual and legitimate practice; but this proviso shall not be so construed as to allow or legalize any sale or other disposition of any such liquors, decoction, &c., made on the prescription or order of any physician, under any circumstances whatever.

Penalty for violations.

SEC. 2. *Be it further enacted*, That any person violating any of the provisions of section one (1) of this act shall be guilty of a misdemeanor, and, upon conviction thereof, must be fined not less than one hundred nor more than five hundred dollars, and may also be imprisoned in the county jail or sentenced to hard labor for the county, for not longer than six months.

Physicians' prescriptions.

SEC. 3. *Be it further enacted*, That if any physician administers, or gives, or as such sells, such liquor, contrary to the provisions of the 2nd proviso to section one of this act, or administers, or gives the same, otherwise than in good faith, for the cure or alleviation of disease, he shall, upon conviction, be fined, in addition

to the fine imposed in section two, not less than one hundred nor more than five hundred dollars.

SEC. 4. *Be it further enacted*, That all fines imposed under this act shall be paid only in lawful money of the United States, and one half of the fine, in all cases, shall go to the informant. Fines to be paid in U. S. currency.

Approved February 24, 1881.

No. 134.]

AN ACT

[H. B. 776.]

To prohibit the making, selling, or otherwise disposing of, spirituous or malt liquors, or intoxicating bitters of any kind, in any quantity, within the counties of Dale and Henry.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act it shall be unlawful for any person or persons (except upon the written prescription, herein provided for), to make, sell, or otherwise dispose of, any spirituous or malt liquors, or other intoxicating drinks, within the counties of Dale and Henry, State of Alabama; *Provided*, That any regular physician, in good standing, may prescribe said liquors in his practice, *bona fide* for medicinal purposes, when no other medicines or drugs will serve the same purpose, and in every such case the prescription must be in writing, recorded by him in a book kept by such physician for that purpose, and a correct copy thereof be furnished the applicant for such prescription in the following form, viz: [here set out the time and place of such prescription]. "I am treating" [here state name of patient, and the name or nature of disease so to be treated]. "It is my opinion, as a physician, that alcoholic liquor is necessary in the treatment of this patient, and that no other drugs or medicine would serve the same purpose. This prescription is good, and to be used for not more than five days from the date of this prescription, and I prescribe that this patient take, each day," [here insert each dose for each day]; to which the physician must sign his name, which, when sworn to in open court, shall be Sale of liquor prohibited except under certain conditions on physicians' prescriptions.

received as evidence of his compliance with the foregoing section of this act.

SEC. 2. *Be it further enacted,* That any physician, druggist, or other person or persons who shall violate, or attempt to evade, the provisions of the first section of this act shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in each case not less than one hundred or more than five hundred dollars, and may be imprisoned not more than six months, at the discretion of the court trying the case.

Not in force as to those who have obtained licenses until January, 1882.

SEC. 3. *Be it further enacted,* That nothing contained in this act shall interfere with any one who has already taken out license for the year 1881.

SEC. 4. *Be it further enacted,* That all laws or parts of laws in conflict with the provisions of this act are hereby repealed.

Approved February 26, 1881.

No. 135.]

AN ACT

[H. B. 380.]

To authorize the county commissioners of Mobile and Baldwin counties to create an office of log, lumber and timber inspection and measurement for the counties of Mobile and Baldwin, and to provide rules for the measurement of logs, lumber and timber therein.

Timber and lumber inspector.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the county commissioners of Mobile and Baldwin counties, respectively, shall have the power to establish an office of log, timber and lumber inspection and measurement for the said counties, respectively.

How filled.

SEC. 2. *Be it further enacted,* That whenever the office mentioned in the first section of this act has been created, it shall be filled by the county commissioners of Mobile and Baldwin counties.

Length of term.

SEC. 3. *Be it further enacted,* That the term of office of the persons who are appointed to fill the said office shall be for three years, and no longer; *Provided,* That the term of office of the persons who may be selected by the present boards of county commissioners shall

only continue until the next boards of county commissioners are elected, and until they appoint their successors, and until their successors are qualified.

SEC. 4. *Be it further enacted*, That the said timber, log and lumber inspectors and measurers shall be bonded officers, and shall be required, before entering upon the discharge of their duties, to give a good and lawful bond, in the sum of fifteen hundred dollars, for the faithful performance thereof. His bond duties, &c.

SEC. 5. *Be it further enacted*, That the said timber, log and lumber inspectors and measurers shall be residents of the counties for which they are appointed inspectors and measurers.

SEC. 6. *Be it further enacted*, That it shall be the duty of the said timber, log and lumber inspectors and measurers, whenever called upon by any party having an interest in the inspection and measurement of timber, logs or lumber, to measure and inspect the same, according to the rules and regulations hereinafter prescribed.

SEC. 7. *Be it further enacted*, That the rules and tables embraced in a book known as "Scribner's Lumber and Log Book" for ship builders, boat builders, lumber merchants, farmers and mechanics, being a correct measurement of scantlings, boards, planks, cubical contents of square and round timber saw logs, by Doyle's rule, stave and heading bolts, wood, tables of wages by the month, board or rent by the week or day, capacity of cisterns, interest tables, &c., by J. M. Scribner, A. M., author of Engineers' and Mechanics' Companion, Engineers' Table Books, &c., revised, enlarged and improved, by Daniel Marsh, civil engineer, Rochester, New York, published by George W. Fister, 1880, shall be exclusively used by the said timber and log inspectors and measurers, in measuring and inspecting timber and logs; *Provided*, That round logs and timber shall be measured by their mean diameter. Rules for measurement.

SEC. 8. *Be it further enacted*, That there shall be no deduction allowed by inspectors and measurers for crooks in logs, when the crook does not exceed three inches to twenty feet.

SEC. 9. *Be it further enacted*, That in measuring and inspecting logs and timber, fractions of an inch are

to be divided; when the fraction is less than half an inch, it is to be given in favor of the buyer; when the fraction is more than half an inch, it is to be given in favor of the seller; and when the fraction is exactly half an inch, to be given alternately in favor of the buyer and the seller.

SEC. 10. *Be it further enacted*, That the said timber and log inspectors and measurers shall receive, in compensation for their services, ten cents per thousand feet for all logs measured and inspected by them by board measurement, and ten cents per hundred feet for all logs and timbers measured by cubic measurement, the buyer paying one half and the seller the other half of said charges.

SEC. 11. *Be it further enacted*, That all logs under twenty feet in length shall be classed as short length logs; those twenty and under thirty feet in length shall be classed as second length logs; and those thirty and under forty feet in length shall be classed as third length logs; and those forty and not over forty-five feet in length shall be classed as fourth length logs; and those over forty-five feet and not exceeding fifty feet shall be classed as fifth length logs; *Provided*, That the provisions of this section of this act shall not apply to cypress logs.

SEC. 12. *Be it further enacted*, That it shall be a misdemeanor for the inspectors to measure any log or piece of timber in any way except by the mean diameter, and upon conviction of said misdemeanor, the said inspectors shall be punished by a fine of not less than fifty nor more than two hundred dollars.

Approved December 8, 1880.

No. 136.]

AN ACT

[s. 73.

To repeal "An act to regulate the fees of constables in the counties of Marengo and Dallas," approved December 17, 1873.

SECTION. 1. *Be it enacted by the General Assembly of Alabama*, That an act entitled "An act to regu-

late the fees of constables in the counties of Marengo and Dallas," approved December 17, 1873, be repealed.

Approved December 8, 1880.

No. 137.]

AN ACT

[s. 116.

To prohibit stock from running at large in certain portions of Wilcox and Marengo counties.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That it shall not be lawful for stock of any description whatever to run at large in following described districts in Wilcox and Marengo counties, to-wit: Territory in which stock is prohibited at large. All of Rehoboth and Boiling Springs beats, and that portion of Prairie Bluff beat, in said Wilcox county, and that portion of Marengo county included within a line to commence at the north of Dixon's creek, on the Alabama river; thence due north to the west line of the plantation known as the Oden and Boykin place; thence north, with Dixon's creek, to the southwest corner of section 12, township 14, range 5, east, in Marengo county; thence due west two miles, to the southwest corner of section 11, township 14, range 5, east; thence due north one and one-half miles, to section 3 in said township and range; thence due west two miles, to the dividing line between sections 4 and 5 in said township and range; thence due north one and one-half miles, to the southeast corner of section 29, township 15, range 5, east; thence due west two miles, to the range line between range four and five, east; thence north with said range line between ranges 4 and 5, to the point where it intersects the line of the cane-brake agricultural district.

SEC. 2. *Be it further enacted*, That the owner of any stock running at large, in violation of the provisions of the first section of this act, shall be liable to the party injured for any damage done by said stock to any land or crops, fruit trees, shrubbery, or other property in said district, and the party injured shall have a lien, superior to all other liens, on the stock doing such damage for all damages done by such stock. Owner of stock at large to pay damages.

SEC. 3. *Be it further enacted*, That whenever any

How damages
obtained.

damage has been done to any property in the said district, by stock at large in violation of the provisions of section one of this act, the party whose property has been damaged may, within ten days after such damage was done, make complaint against the owner of the stock doing the damage to a justice of the peace, or notary public, of the precinct in which such damage was done, or, if there be no justice of the peace, or notary public, of the precinct in which damage was done, then to a justice of the peace, or notary public, of any adjoining precinct, describing the property damaged and the stock doing the damage, and whenever such complaint is made, to the justice of the peace, or notary public, to whom it is made shall issue notice to the owner of such stock, commanding him to appear, and answer such complaint, on a day not less than five nor more than ten days from the issuance of such complaint. Said justice of the peace, or notary public, shall also issue a notice to three disinterested freeholders, to be selected by him, commanding them to assess and report to him, on the day on which the owner of said stock is required to answer such complaint, on oath, the amount of damage the complainant has sustained, which report shall be evidence on the trial of the cause; and if the owner of said stock appears on the day he is commanded to appear, and answers said complaint, the justice of the peace, or notary public, shall try such case and render such judgment therein as the justice and equity of the case demands, but if the owner of such stock does not appear and answer, the justice of the peace, or notary public, shall give judgment for the complainant for such damages as he may have sustained, and if judgment be rendered for the complainant, the justice of the peace, or notary public, shall also render judgment, commanding the stock doing the damage to be sold for the satisfaction of such judgment and the costs of the suit, and shall issue execution on such judgment, commanding any constable of Wilcox or Marengo county to levy on and sell such stock, describing therein the execution for the satisfaction of such judgment and costs.

Appeal.

SEC. 4. *Be it further enacted*, That either party shall have the right to appeal from such judgment of the justice of the peace, or notary public, in such cases.

SEC. 5. *Be it further enacted*, That the owner or manager of any stock, who shall knowingly suffer such stock to run at large, in violation of the provisions of the first section of this act, shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than one nor more than twenty-five dollars; *Provided*, That justices of the peace, or notaries public, shall have jurisdiction of offenses under this section; *And provided further*, That all prosecutions under this section must be commenced in twenty days after the commission of the offense, and that the party injured by such stock shall alone have the right to institute such prosecution. Penalty.

Approved December 8, 1880.

No. 138.]

AN ACT

[H. B. 470.]

To better provide for the examination of the county offices, county jail, records of the courts of county commissioners, and county chain gangs, of Barbour and Coffee counties, in this State, and report thereon.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That it shall be the duty of the judge of the 3d judicial circuit of Alabama, whenever in his opinion it is necessary, to appoint in the counties of Barbour and Coffee an *expert*, or a committee consisting of three members, to be selected for their competency, whose duty it shall be, as often as directed by the circuit judge, to examine each county office, the manner in which the records therein are kept, the fee books of each officer, and the fees charged by them; the record of the court of county commissioners, and the county treasurer's books and vouchers; the condition of the county jail and prisoners kept therein; and the county chain gangs, the treatment of the convicts therein, without giving notice to such officers, jailors and lessors of the chain gangs, of the time or times of such examinations. Judge of circuit to appoint committee to examine county officers' records, treatment of convicts, &c.

SEC. 2. *Be it further enacted*, That such experts or committees shall make their reports under oath to the circuit court of the manner in which the records and Reports under oath.

books of such county officers are kept; of the legality or of the illegality of the fees charged; of the money received and paid out, belonging to the State or county; of the manner in which the county jails are kept and the prisoners treated; of the management of the county chain gangs, the condition of the convicts therein, and the manner of their treatment.

SEC. 3. *Be it further enacted*, That the circuit judge shall certify the pay of such experts or committees, and the same shall be paid in the same manner that grand jurors are paid.

Approved February 26, 1881.

No. 139.]

AN ACT

[H. B. 580.]

To so change the boundary line between the counties of Hale and Greene, that the present bed of the Black Warrior river be the dividing line.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That all that portion of Greene county lying on the east side of the main current of the Black Warrior river, as now established, be, and the same is, hereby attached to, and made a part of, the county of Hale; and that the present bed of said river be, and the same is, hereby declared to be the dividing line between said counties of Hale and Greene.

Approved February 28, 1881.

No. 140.]

AN ACT

[H. B. 729.]

For the preservation of game animals and birds in the counties of Lamar, Marion and Coosa.

Certain game
not to be killed
from May to
October.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That it shall be unlawful at any place in the counties of Lamar, Marion and Coosa, to catch, kill, or injure, or to pursue with such intent, any wild buck, doe or fawn, between the first day of April and the first day of October, and it shall be unlawful to catch,

kill, or injure, or pursue with such intent, any wild turkey, between the first day of May and the first day of October.

SEC. 2. *Be it further enacted*, That any person who violates the provisions of this act shall, on conviction, be fined not less than twenty, nor more than fifty dollars for each offense, and may also be sentenced to hard labor in the county for not more than three months, at the discretion of the court trying the same. Penalty, &c.

SEC. 3. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act are hereby expressly repealed.

Approved March 1, 1881.

No. 141.]

AN ACT

[H. B. 330.]

To regulate the compensation of county commissioners in Lamar and Marion counties.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act the county commissioners of Lamar and Marion counties shall receive, for each day's actual service rendered by them, the sum of three dollars, with five cents per mile, going to and returning from the court house, and ferriage.

SEC. 2. *Be it further enacted*, That all laws contravening the provisions of this act be, and the same are, hereby repealed.

Approved March 1, 1881.

No. 142.]

AN ACT

[H. B. 223.]

To repeal an act entitled "An act for the preservation of game animals and birds, for Choctaw and other counties," approved February 2, 1877, as to Choctaw county and certain portions of Sumter county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act entitled An act, approved Feb-

ruary 2, 1877, for the preservation of game animals and birds in the counties of Mobile, Choctaw, Monroe, Clarke, Washington, Baldwin, Marengo, Lowndes, Sumter, Escambia, Hale, Dallas, Montgomery, and Greene, be, and the same is, hereby repealed, so far as it relates to Choctaw county, and also as to that portion of Sumter county lying north of the section line dividing 18 and 19.

Approved February 28, 1881.

No. 143.]

AN ACT

[s. 267.

To require the tax collectors of Dallas and Montgomery counties to give notice in a newspaper of their attendance in the precincts, and to keep their offices open during the month of January.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That in addition to the notice now required by law, the tax collectors of Dallas and Montgomery counties shall give notice, by publication for three successive weeks in a newspaper published in the county, of their attendance in the precincts for the collection of taxes, such publication to be paid for by the county.

Publication of
appointments
required.

Must keep of-
fice open in
January of each
year.

SEC. 2. *Be it further enacted,* That such tax collectors shall keep their offices open at the court house during the month of January; *Provided,* That they shall be entitled to a fee of fifty cents from each delinquent tax payer, who, at any time after the thirty-first day of December, pays his taxes at the office of the tax collector, whether the tax collector has made any demand on such delinquent or not.

Approved February 28, 1881.

No. 144.]

AN ACT

[s. 268.]

To require the tax assessors of Dallas and Montgomery counties to give notice in a newspaper of their attendance in the precincts, and to keep their offices open during the thirty days next succeeding the completion of their sittings.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That in addition to the notice now required by law, the tax assessors of Dallas and Montgomery counties shall give notice, by publication for three successive weeks in a newspaper published in the county, of their attendance in the precincts for the assessment of taxes, such publication to be paid for by the county. Publication of appointments.

SEC. 2. *Be it further enacted*, That such tax assessors shall keep their offices open at the court house during the thirty days next succeeding the completion of their sittings; *Provided*, That they shall be entitled to a fee of fifty cents from each delinquent, who, at any time after the completion of the sittings, makes his return at the office of the tax assessor, whether the tax assessor has made any demand on such delinquent or not. Offices to be kept open in January.

Approved February 28, 1881.

No. 145.]

AN ACT

[H. B. 483.]

To amend an act entitled "An act to prevent stock from running at large in that part of Dallas county lying west of Cahaba river and north of the New Orleans and Selma Railroad, and north of the public road leading from Martin's Station through Athens, or Liberty Hill, to McKinley's," approved December 10, 1878, so as to include a certain portion of Perry county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section one of "An act to prevent stock from running at large in certain portions of Dallas county," approved December 10, 1878, be amended so as to read as follows: That it shall not be lawful for

stock of any description whatever to run at large in the following described districts lying in Dallas and Perry counties, to-wit: All of that part of Dallas county lying west of the Cahaba river and north of the New Orleans and Selma railroad, and the public road leading from Martin's Station, in Dallas county, through Athens, or Liberty Hill, to McKinley's, in Marengo county, and all that portion of Perry county lying west of the Cahaba river, the Dallas county line, Bogue Chitto creek, and the boundary line of the cane-brake agricultural district in said county and bounded by said above described lines.

Approved March 1, 1881.

No. 146.]

AN ACT

[H. B. 265.]

To repeal "An act to require the judges of probate of Crenshaw and Covington counties to pay for their own stationery, viz: Blanks for recording mortgages, liens and marriage certificates," approved February 13, 1875.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That an act entitled "An act to require the judges of probate of Crenshaw and Covington counties to pay for their own stationery, viz: Blanks for recording mortgages, liens and marriage certificates," approved February 13, 1875, be, and the same is, hereby repealed.

Approved March 1, 1881.

No. 147.]

AN ACT

[H. B. 865.]

To amend section 1544 of the Code of Alabama, so far as the same relates to the counties of Pike, Butler and Coffee.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section 1544 of the Code be amended so as to read as follows:

§ 1. *Recommendations necessary to obtain license.*

No license must be granted to sell vinous, spirituous or malt liquors in the counties of Pike, Butler and Coffee, unless the applicant produce to the judge of probate of his county, or the person authorized by law to grant such license, the recommendation of a majority of both the householders and freeholders residing in the election precinct or ward where such person desires to sell such liquors.

How license to sell liquor to be obtained.

SEC. 2. *Be it further enacted*, That the person presenting the recommendation referred to in section one of this act shall furnish satisfactory evidence to the judge of probate, or to the person authorized by law to grant such license, that the signatures to said recommendations are genuine, and that said signers are resident householders and freeholders of the election precinct or ward in which such applicant proposes to sell such liquors.

Evidence required.

SEC. 3. *Be it further enacted*, That the provisions of this act shall not apply to localities which are incorporated against the sale of intoxicating spirits.

Exceptions.

Approved March 1, 1881.

No. 148.]

AN ACT

[s. 115.

For the protection of fish in the county of Baldwin.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act it shall be unlawful to take or catch, or attempt to take or catch fish in the county of Baldwin, with or by means of gill nets, or tressmires, and any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than ten nor more than one hundred dollars.

Unlawful to catch fish with gill nets, &c.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict herewith be, and the same are, hereby repealed.

Approved February 3, 1881.

No. 149.]

AN ACT

[H. B. 668.]

To allow the treasurer of Baldwin county fees for receiving and disbursing county revenue.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the treasurer of Baldwin county shall be entitled to two and one-half per cent. for receiving county revenue, and five per cent. for disbursing the same.

SEC. 2. *Be it further enacted*, That all laws and parts of laws conflicting with the provisions of this act be, and the same are, hereby repealed.

Approved February 26, 1881.

No. 150.]

AN ACT

[H. B. 474.]

To make it a misdemeanor for the persons having the control of certain live stock to allow the same to run at large off their own premises, and to fix the punishment and provide for the trial where such persons live in that portion of Barbour county in the limits defined in this act.

Limits defined.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That any person who lives in that portion of Barbour county embraced in the following lines, to-wit: Beginning at the confluence of the main Cowikee creek with the Chattahoochee river; thence up the south or west bank of said creek, to the first fork; thence up the west or south bank of the south Cowikee creek, to the Eufaula and Spring Hill road; thence north on the east side of the road, north to the Freedman's church; thence north with Hawkins' fence, to the public road leading to the Roquemore settlement; thence with the south side of said road east, to the dividing line between sections 22 and 23, in township 12, range 28; thence north on a line with said dividing line, to the lands of John Bass; and thence due east, to the Russell county line; thence west with the Barbour county line, to where it crosses the Midway and Clayton dirt road; thence down said road on its east side, to the point where the Eufaula

and Midway road intersects with the Mt. Andrew road, at a point near the site of the old jug factory; thence following said Eufaula and Midway road by the place of W. W. Johnson, to the Clayton and Columbus road where it crosses the same near Mt. Olive church; thence south with said last named road on its east side, to the corporate line of the town of Clayton near the residence of Mrs. Fryer; thence following said corporate line, to where it crosses the Clayton and Eufaula dirt road; thence following said road on its north side, to the point where the range line between ranges 27 and 28 crosses it; thence south following said range line, to where it crosses Chanahatchee creek; thence along the north bank of said creek, to the river road; thence down said road on its east side, to the line of Henry county; thence east, to the Chattahoochee river; thence up said river, to the point of beginning; and has the control of any horse, mule, cow, jack, jennet, goat, hog or sheep, who allows the same to run at large off of his premises in said boundaries, to the damage of any crop, garden, orchard, fruit, shade or ornamental trees in said boundaries, shall be deemed guilty of a misdemeanor, and, on conviction, shall be fined not more than five dollars and costs and the damages proved to have been committed by such stock, together with the reasonable expense of the keeping of such stock, if the same shall have been taken up; which said damages and expenses shall go to the party injured.

Damages and penalties.

SEC. 2. *Be it further enacted*, Justices of the peace, and notaries public with justices' jurisdiction, shall have jurisdiction to try such offenses, and on the trial of such causes the owner of the property injured shall be a competent witness. No prosecution shall be allowed under this act unless it is begun by the person who has suffered injury for stock running at large in violation of its provisions or such person's agent.

Justices and notaries who are ex-officio J. P. can try causes.

SEC. 3. *Be it further enacted*, If on the trial of such causes it is shown that, before the warrant was issued, the person having control of the stock alleged to have done the damages complained of tendered to the owner of the property damaged a full and just compensation for the damages done, and the reasonable expense incurred in the keeping of the stock, if taken up, the defendant shall be discharged, and the prose-

Defendant discharged on tender of damages before action commences.

cutor, or person at whose instance the warrant was issued, shall be taxed with the costs; *Provided*, That no person shall be convicted under this act unless it be shown on the trial that demand for the damages caused by such stock, and the reasonable expense for keeping the same, if taken up, was made of the person having control thereof, and the payment of such damages and expense was refused.

SEC. 4. *Be it further enacted*, That such cases before said justices shall be governed by the same rules, after judgment, as the county court is governed by.

When it goes
into effect.

SEC. 5. *Be it further enacted*, That this act shall go into effect in that portion of the county embraced in said lines that lie west of the range line that divides ranges 27 and 28, in thirty days after its approval by the Governor, and in the remaining portions embraced in said lines on the first day of December next.

SEC. 6. *Be it further enacted*, That no conviction shall be had for a violation of the provisions of this act, unless prosecution therefor is begun within sixty days after the offense is committed.

Approved February 24, 1881.

No. 151.]

AN ACT

[s. 143.

To provide for the registration of all claims and debts against the fine and forfeiture fund of the county of Bibb.

Claims to be
presented by
September 1st,
1881.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That all persons having claims or debts of any character or description whatever against the fine and forfeiture fund of the county of Bibb, whether due or not, contracted or existing before the passage of this act, shall be presented to the treasurer of said county for registration in his office by the first day of September, 1881, or the same shall be forever barred.

Register of
claims.

SEC. 2. *Be it further enacted*, That the said treasurer shall register, in a suitable book kept for that purpose, all claims or debts presented to him for registration under this act, which registration shall show the name of the claimant, the character of the claim, the

amount claimed, the time when the same accrued, and when due.

SEC. 3. *Be it further enacted*, That the said treasurer shall, by publication once a week in some newspaper published in the said county, for six successive weeks, if there be such paper, and by posting printed notices at some public place or places in each election precinct in said county for six successive weeks, (if no newspaper is published in said county, then publication by posters as above provided shall be sufficient,) requiring all persons holding any such claims against said county to present the same for registration by the first day of September, 1881, or the same shall be forever barred. The expense of such publication shall be paid by the said county.

Publication to be made for persons holding claims to present them.

SEC. 4. *Be it further enacted*, That all such claims against said county accruing after the passage of this act shall be registered in the same manner as provided in section (2) two of this act, within sixty days after the same shall accrue, and if not so registered, shall be forever barred.

Claims accruing hereafter to be registered.

SEC. 5. *Be it further enacted*, That said treasurer shall pay such claims as accrued before the passage of this act, and are registered under its provisions, in the order of their allowance, or accrued and not in the order of their registration, and all such claims as shall accrue after its passage must be paid in the order of their registration.

Payments according to allowance on old claims and according to registration on new ones.

SEC. 6. *Be it further enacted*, That all laws or parts of laws in conflict with the provisions of this act be, and the same are, hereby repealed.

Approved February 16, 1881.

No. 152.]

AN ACT

[H. B. 715.]

To prohibit the sale, giving away, or otherwise disposing of, any spirituous, vinous or malt liquors, or intoxicating bitters, or intoxicating beverages of any kind within the county of Bibb.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the first of April, 1881,

Sale of liquor
forbidden after
April 1st, 1881.

it shall be unlawful for any person or persons to sell, give away, or otherwise dispose of, any spirituous, vinous or malt liquors, intoxicating bitters, or any intoxicating beverages of any kind or description, within the limits of the county of Bibb.

Penalty for vio-
lating this act.

SEC. 2. *Be it further enacted*, That any person or persons, violating the provisions of this act, shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than fifty dollars nor more than five hundred dollars, and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than six months.

License money
to be refunded.

SEC. 3. *Be it further enacted*, That the Auditor of the State of Alabama and the treasurer of Bibb county are hereby required to refund to any person or firm which may have paid for and taken liquor license in the county of Bibb for the year 1881, three-fourths of the amount paid by them for such liquor license.

Approved February 28, 1881.

No. 153.]

AN ACT

[s. 3.]

To prevent the destruction of fish in the rivers and creeks in Bullock county, Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That hereafter it shall be unlawful for any person to sein, trap, net, poison, or muddify any river or creek in Bullock county, Alabama, for the purpose of catching fish.

SEC. 2. *Be it further enacted*, That any person violating the provisions of the above section shall be guilty of a misdemeanor, and, on conviction, shall be fined not more than one hundred dollars, one-half of the fine to go to the informant, and may also be confined in the county jail or sentenced to hard labor for the county for not exceeding six months.

Approved December 3, 1880.

No. 154.]

AN ACT

[H. B. 224.]

For the protection of lands and plantations from depredations by stock, in Bullock county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That hereafter, in the county of Bullock, it shall not be lawful for the owner of any horse, mule, ass, cow, hog, sheep, or goat, voluntarily to permit any such animal to go at large off the premises of such owner, and the owner of any such animal so permitted to go at large shall be liable to the party injured for all damages done to the fruit or shade trees, ornamental shrubbery, or crops, of any person, to be recovered before any court of competent jurisdiction, and the judgment of the court shall be a lien on the stock causing the same.

Stock not allowed at large off premises of owner.

Owner liable for damage to property caused by his stock.

SEC. 2. *Be it further enacted,* That any person in said county who is the owner, or lawfully in the possession of any land, or his agent, on which there is growing or planted, or has been grown during the year, a crop of any kind, shall have the right to take possession of any animal named in the preceding section, if found at large or uncontrolled on the premises of such person, and when so taken up, such person, or his agent, so taking up such animal shall forthwith notify personally, or by leaving a written notice at the usual place of residence of the nearest justice of the peace in his beat, of the same, or the owner of such animal, within twelve hours after the taking up.

Stock off premises to be taken; how and by whom.

SEC. 3. *Be it further enacted,* That any person taking up any such animal on his premises, who shall take such animal off his premises before he shall have, personally, or in writing, by himself or agent, notified either the owner thereof or the nearest justice of the peace of the same event, he shall be guilty of a misdemeanor, and be fined in any sum not exceeding two hundred dollars.

Penalty for not giving notice that stock is taken up.

SEC. 4. *Be it further enacted,* That it shall be the duty of any person, or his agent, taking up any animal as in section two (2), to make affidavit before the justice of the peace, either that he knows the owner, or that he does not know the owner thereof; and if the former affidavit is made, then the justice of the peace

Proceedings before the justice of the peace.

shall issue a notice to the owner of the same, or his agent, which notice shall be served on the owner, or his agent, or left at his usual place of residence either by the person taking up such animal or by the constable of the beat, or by some other person appointed by the said justice of the peace for that purpose, as the justice may order; and upon application of the owner, or his agent, the justice shall give him an order for his said property, he first paying to the justice his fees and the fees hereinafter named, for taking up and keeping such animal; *Provided*, That the owner, or his agent, shall have the right to the order without paying any fee for taking up and keeping such animal, if he files with the justice an affidavit setting forth any fact showing that the person had no right under this act to take up such animal; and if the taker-up makes affidavit that the owner of such animal is not known, then such person shall proceed in accordance with the laws provided in the case of estrays, and no fee shall be charged, either by the justice of the peace or the constable, for the affidavit and serving notice, either to the taker-up or the owner of such animal.

To be delivered
to owner on
certain con-
ditions.

SEC. 5. *Be it further enacted*, That when the owner makes affidavit and procures an order (as in section four) for his animal, the taker-up shall deliver to the owner, or his agent, said animal in accordance with such order, and may then, if the fees for taking up and keeping such animal have not been already paid, have the right to sue for and recover such fees for taking up and keeping such animal from the owner thereof, in any court of competent jurisdiction, if the judge or justice before whom the same is tried is satisfied of the justice of such claim according to the provisions of this act, under the same rules and regulations as is applied to the trial of civil causes in said courts; and the judgment rendered shall be a lien on the property doing the damage or thus going at large; *Provided*, If the owner, or his agent, shall not claim, as aforesaid, his animal in ten (10) days after he or the justice of the peace is notified of the taking up of such animal, then the same shall be considered an estray, and the taker-up or his agent shall proceed in relation to such animal in the same manner as in the case of an estray when the owner is unknown.

Must be claim-
ed in ten days.

SEC. 6. *Be it further enacted*, That for taking up and keeping, the following fees shall be allowed for the ^{Fees.} use of the person taking up, viz: For taking up each horse, mule or ass, 50 cents; for taking up each cow or hog, 25 cents; for taking up each sheep or goat, 25 cents; one half the above sums for every day each of such animals is kept by the taker-up; young animals not capable of doing damage to crops shall not be charged for; *And provided*, The taker-up or his agent shall not be liable for injuries to animals or for escapes, except in case of willful neglect, or where such damage was intended.

SEC. 7. *Be it further enacted*, That the right of <sup>Right of ap-
peal.</sup> appeal shall be had in all cases, as in other civil causes, and that liens shall be lost, under the provisions of this law, unless the plaintiff in such judgment proceeds without delay to enforce such liens by all lawful means.

SEC. 8. *Be it further enacted*, That judgments may be rendered by justices of the peace for amounts within their jurisdiction on ten (10) days notice to defendants, and execution may issue thereon after five days from rendition, and the justice of the peace of the beat where the damage is done by any animal, or where the fees for taking up and keeping such animal are incurred, shall also have jurisdiction in such cases, notwithstanding the defendant may live in another beat or another county, and for any amount not exceeding fifty dollars; *Provided*, That where there is no justice of the peace residing in such beat, or where the justices are disqualified, by interest or any other lawful cause, then any justice of the peace in any adjoining precinct or beat has jurisdiction of such case in accordance with the provisions of this act.

SEC. 9. *Be it further enacted*, That this act shall not take effect until thirty days from its approval by the Governor; *Provided*, The provisions and penalties of this act shall not apply to any stock from the counties of Pike and Russell crossing over where there is no line fence.

Approved December 8, 1880.

No. 155.]

AN ACT

[s. 384.]

To amend an act entitled "An act for the protection of lands and plantations from depredations by stock, in Bullock county," approved December 8, 1880.

Not operative
in certain
places.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the second provision of section eight of an act approved December 8, 1880, and entitled "An act for the protection of lands and plantations from depredations by stock, in Bullock county," be amended so as to read as follows, viz: *Provided*, This act shall not apply to that portion of Bullock county within the territory now embraced in the limits of Suspension and Farrisville beats.

SEC. 2. *Be it further enacted*, That the title of said bill be amended so as to read as follows: "An act for the protection of certain portions of the lands and plantations lying in Bullock county from depredations by stock."

SEC. 3. *Be it further enacted*, That all laws and parts of laws now in force in this State, and in conflict with this act, be, and the same are, hereby repealed.

Approved February 24, 1881.

No. 156.]

AN ACT

[H. B. 737.]

To prevent the selling of vinous, spirituous or malt liquors, beverages or bitters composed in whole or in part of such spirituous or malt liquors, in the county of Bullock, except by regularly licensed druggists upon the prescription of licensed physicians, and to provide a local option law for the sale of such liquors, beverages or bitters, in incorporated towns or cities in said county having a population of two hundred and fifty or more.

Sale of liquor
prohibited from
and after Jan-
uary 1st, 1882.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the first day of January, 1882, it shall be unlawful for any person to manufacture, sell, or give away, vinous, spirituous or malt liquors, bitters or beverages composed in whole or in

part of such spirituous or malt liquors, or intoxicating drinks, in Bullock county, Alabama; *Provided*, This act shall not be so construed as to prevent the use and manufacture for domestic purposes, or in the administration of wine for sacramental purposes, of wine made from grapes or other fruits grown in this State; *And provided further*, That the provisions of this act shall not prevent regularly licensed druggists from selling such liquors, beverages or bitters, upon the written prescription of legally licensed physicians, made in the *bona fide* practice of their profession.

SEC. 2. *Be it further enacted*, That any person who shall violate, or evade, or attempt to violate or evade, the provisions of this act, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than five hundred dollars, and may also be imprisoned in the county jail or sentenced to hard labor for the county not more than six months, at the discretion of the court trying the same; and if the fine and costs of such conviction are not paid, may be sentenced to hard labor for the county until the same are paid, at the rate of not less than forty cents a day.

Penalty for violation.

SEC. 3. *Be it further enacted*, That upon the application, in writing, to the mayor or intendant of any incorporated town or city having a population of two hundred and fifty or more, in said county, and signed by ten or more of the resident householders or freeholders of such town or city, and upon depositing with such mayor or intendant a sufficient sum of money to pay the expenses of holding the election hereinafter provided for, and of giving the notices hereinafter required, it shall be the duty of such mayor or intendant to forthwith order an election to be held in such town or city, upon giving notice, by publication for thirty days in any newspaper published in said county, of the time and object of holding such election; that at such time the person or persons now authorized by law, or who may hereafter be authorized by law, to hold municipal elections in such town or city, shall hold an election in the same manner as elections are now or may hereafter be required to be held in such town or city, except that upon the ballots deposited at such election shall be written or printed the word

Election in certain cases provided for.

"license," or the words "no license," only; and in the event it shall appear that two-thirds of the voters at such election shall have deposited a ballot on which was written or printed the word "license," then, and in that event, the prohibitory provisions of this act shall not apply to such incorporated town or city, but that all laws of this State, and all ordinances, rules or municipal laws of said town and city now of force, or that may be hereafter enacted in regard to the manufacture, sale or giving away of spirituous, vinous or malt liquors in said town or city, shall be of force so far as applicable.

Physicians' prescriptions only in bona fide cases of sickness.

SEC. 4. *Be it further enacted*, That it shall be unlawful for any regularly licensed physician in said county of Bullock, in the practice of his profession, to prescribe, in writing or otherwise, any vinous, spirituous or malt liquors, bitters or beverages, for any person or persons in said county, except for the patient of such physician, and in the *bona fide* practice of his profession.

SEC. 5. *Be it further enacted*, That any physician who shall violate any of the provisions of section four of this act shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than five hundred dollars, and may also be imprisoned in the county jail or sentenced to hard labor for the county not more than six months, at the discretion of the court trying the same, and if the fine and costs are not paid, may be sentenced to hard labor for the county until the fine and costs are paid, at a rate not less than forty cents a day.

Approved February 28, 1881.

No. 157.]

AN ACT

[H. B. 536.]

To fix the times when the civil and criminal business in the circuit court of Butler county, Alabama, shall be fixed.

Civil business to Thursday of 2nd week.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act the docket for the trial of civil business in the circuit court of Butler county, shall be taken up on Monday of

the first week of each term of said court, and shall be continued until Thursday morning of the second week of said court, unless the business be sooner disposed of.

SEC. 2. *Be it further enacted*, That the docket for the trial of criminal business shall be taken up on Thursday morning of the second week of each term of the circuit court of said county, and the business continued to be called and disposed of until the end of the term, unless sooner disposed of.

Criminal cases
Thursday of
and week.

SEC. 3. *Be it further enacted*, That all laws and parts of laws in conflict with this act be, and the same are, hereby repealed.

Approved February 26, 1881.

No. 158.]

AN ACT

[H. B. 85.]

To authorize the commissioners court of Calhoun county to lay off said county into four commissioners' districts.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the commissioners court of Calhoun county be, and they are, hereby authorized and empowered to lay off said county into four commissioners' districts, if they see proper to do so; *Provided*, They do not let such districts' lines divide any voting precinct in said county.

SEC. 2. *Be it further enacted*, That said commissioners' districts shall be so divided as to have, as near as possible, the same or equal number of votes in each; and the said districts to have one county commissioner from each.

SEC. 3. *Be it further enacted*, That all laws or parts of laws in conflict with this act be, and the same are, hereby repealed.

Approved February 5, 1881.

No. 159.]

AN ACT

[s. 153.]

To better provide for the care and comfort of the paupers of Calhoun county.

County commissioners to fix rate for keeping paupers. SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the commissioners court of Calhoun county shall, at its regular term in August, 1881, and every year thereafter, at the regular term of the said court, in the month of August, fix a rate of compensation for the poor house keeper of said county for taking care of the paupers of the county for the ensuing year, at a sum not less than five (5) nor more than ten (10) dollars per month for each pauper committed to his charge.

Probate judges to make publication of time of letting out contract. SEC. 2. *Be it further enacted,* That after the commissioners court shall have fixed the rate of compensation, as provided in section one (1) of this act, the probate judge shall make publication, in a newspaper published in said county, for thirty days prior to the term of the commissioners court at which the poor house will be let, setting forth the rate of compensation fixed upon by the court, the requirements of the court in regard to the care of the poor, with the statement that the poor house building and farm shall go to the keeper rent free, and inviting applicants for the place of keeper, either in person or by letter; and a call for a special term of the commissioners court for the purpose of letting the poor house may be embraced in said publication.

Commissioners to consider fitness of applicants for the place. SEC. 3. *Be it further enacted,* That the commissioners court shall, in selecting from applicants a keeper of the poor house, take into consideration the moral character of the applicant, his humane disposition, and other traits of character calculated to fit him for the place, as well as his ability to take proper care of those committed to his charge; *Provided,* That the commissioners court may reject any or all applicants, if none be found who come up to the requirements of the court.

Visits of inspection by the court. SEC. 4. *Be it further enacted,* That it shall be the duty of the court to appoint one or more of its members, at each sitting, whose duty it shall be to visit the poor house, at such time as they may think proper,

(not less, however, than twice between each term of the court,) without notice to the keeper of the poor, and report at the next term of the court the condition of the inmates, the quality of food, and all other facts calculated to throw light upon the treatment of paupers by the keeper of the poor.

SEC. 5. *Be it further enacted*, The commissioners court shall require the keeper of the poor to give bond in the sum of fifteen hundred dollars, payable to Calhoun county, conditioned faithfully to discharge his duties as prescribed by the commissioners court, and suit may be brought against said poor house keeper on his bond in the circuit court by the probate judge, in the name of the county, for violation of any of the conditions of his bond, and any amount of money recovered on his bond shall be paid into the county treasury, and paid out upon county claims as ordinary tax money is paid out. The keeper to give bond.

SEC. 6. *Be it further enacted*, That the commissioners court may, if it deem proper, raise the compensation of the keeper of the poor, as now fixed by bid at the late letting of the poor house, to a sum not exceeding the minimum sum fixed in section one (1) of this act.

SEC. 7. *Be it further enacted*, That the regulations now in force for the government of the poor house shall not be affected by this act, further than is set forth in the preceding sections.

SEC. 8. *Be it further enacted*, That a violation of any of the provisions of this act by the commissioners court of said county, or failure to carry out its provisions, shall be deemed a misdemeanor, punishable, on conviction, by fine of not less than one nor more than five hundred dollars.

SEC. 9. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be, and the same are, hereby repealed.

Approved February 23, 1881.

No. 160.]

AN ACT

[H. B. 714.]

To authorize the court of county commissioners of Chambers county to adjust, compromise and settle the outstanding indebtedness of said county, arising from bonds issued in payment of the capital stock of railroad companies.

Court of county commissioners authorized to compromise bonded indebtedness on account of railroads.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the court of county commissioners of Chambers county be, and they are, hereby authorized and empowered to adjust, compromise and settle all or any outstanding indebtedness of said county, arising from bonds issued by said county in payment for stock subscribed to any railroad company, under the provisions of an act of the General Assembly of Alabama, approved December 31, 1868, entitled "An act to authorize the several counties and towns and cities of the State of Alabama to subscribe to the capital stock of such railroads throughout the State as they may consider most conducive to their respective interests," upon such terms as may be agreed upon by the said courts of county commissioners and the holders and owners of any indebtedness arising as aforesaid.

Authorized to issue new bonds to carry out agreements entered into.

SEC. 2. *Be it further enacted,* That whenever agreements shall have been entered into between any of the holders and owners of said indebtedness and the said court of county commissioners, the same shall be reduced to writing, and entered upon the records of said court, and to carry the same into effect said court of county commissioners are hereby authorized and empowered to issue or cause to issue new bonds of said county, with interest coupons attached, for the amount of said compromise so agreed upon, which said bonds shall have such time to run, and be payable at such place, and shall bear such rate of interest, not to exceed eight per cent., as may be agreed upon. And said bonds and coupons shall be signed by the probate judge, and countersigned by the county treasurer of said county, and shall be properly numbered, and a record thereof shall be kept by the county treasurer, and said court of county commissioners are hereby authorized to issue certificates or other evidences of indebtedness against said county for such amounts, and payable in such

manner, and bearing interest at a rate not exceeding eight per cent., as they may think proper in settlement of any compromise of said indebtedness; and said court of county commissioners are hereby authorized and empowered to borrow not exceeding fifty thousand dollars for said county, and to issue therefor either warrants upon the treasurer, bonds or other evidences of indebtedness, payable at such time and places, and bearing such rate of interest, not exceeding eight per cent., as may be agreed upon; and all such new bonds, warrants, or other evidences of indebtedness, when so issued under the provisions of this act, shall be valid and binding liabilities of said county.

Also to borrow
not exceeding
\$50,000.

SEC. 3. *Be it further enacted*, That for the purposes of meeting the payment of said bonds or other evidences of indebtedness issued under the provisions of this act, said court of county commissioners is hereby authorized and empowered to levy such tax as is authorized by law, for each year until the same are paid, on the value of the taxable property of said county, in addition to the regular county tax, and said tax when so collected shall be applied exclusively to the payment of said bonds or other evidences of indebtedness; and said court is authorized to direct and order that any part, or the whole of said bonds, warrants or other evidences of indebtedness, may be receivable in payment of said tax, or of the county tax, which shall be specified on the face of the obligations herein authorized.

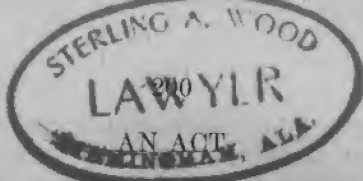
Can levy tax to
meet interest
on.

SEC. 4. *Be it further enacted*, That nothing herein contained shall be so construed as giving validity to any of the bonds or other liabilities of said county now outstanding, but all such bonds or other liabilities are left to stand upon their respective merits, until the same shall be compromised as herein provided.

SEC. 5. *Be it further enacted*, That said court of county commissioners is hereby authorized to allow all just and reasonable expenses incurred in carrying out the provisions of this act as proper claims against said county.

SEC. 6. *Be it further enacted*, That this act shall not be so construed as to repeal any former act of the General Assembly of Alabama providing for the compromise of the said indebtedness.

Approved February 26, 1881.



To authorize the probate judge of Chilton county to order elections in certain cases to determine whether spirituous, vinous or malt liquors shall be sold, given away, or otherwise disposed of, in said county, or in any beat or incorporated city or town therein.

Petitions for elections on license question.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act it shall be lawful for any three freeholders, who reside in any beat in Chilton county, to petition in writing, or to unite with the same number of freeholders in any other beat or beats in such county, in petitioning the probate judge of such county to order an election to be held to determine whether spirituous, vinous or malt liquors shall be sold, given away, or otherwise disposed of, anywhere within the limits of such county.

When probate judge can order election.

SEC. 2. *Be it further enacted*, That on the filing of such petition or petitions from a majority of the beats in such county, it shall be the duty of the probate judge forthwith to order an election to be held, at the usual places of voting in the county, for the purpose set forth in the prayer of the petitioners, and within forty days from the time of the filing of such petition.

Election held as State elections.

SEC. 3. *Be it further enacted*, That said election shall be held and conducted, in all respects, under the same laws, not inconsistent with this act, that govern in general elections in this State; *Provided*, That clerks and managers of elections shall have no pay for their services in such election.

Ballots designated as "prohibition" or "no prohibition."

SEC. 4. *Be it further enacted*, That at such election the persons voting in favor of "Prohibition" shall write or print upon their tickets "Prohibition," and those voting in opposition shall write or print upon their tickets, "No Prohibition."

What probate judge is to do if prohibition is ordered; penalty for violation of Act.

SEC. 5. *Be it further enacted*, That if it appear to the probate judge on opening such election returns that a majority of electors voting at such election voted in favor of "Prohibition," then he shall record the result in the minutes of the probate court of said county, that the sale, giving away, or otherwise disposing of, spirituous, vinous or malt liquors was prohibited anywhere within the limits of said county, and shall cause a copy

of the same to be published in, at least one issue of a newspaper published in the county, or by posting up the same at the court house door and at three other public places in the county; and upon the expiration of ten days from the publication or posting of such notice, any person who sells, gives away, or otherwise disposes of, any spirituous, vinous or malt liquors anywhere within said county, is guilty of a misdemeanor, and, on conviction thereof, must be fined not less than one hundred dollars nor more than one thousand dollars, and may also be sentenced to hard labor for the county for not more than twelve months; *Provided*, That the Auditor of the State and the treasurer of Chilton county must refund to any person who may have taken out license for 1881 the amount received on account of the unexpired term of said license.

SEC. 6. *Be it further enacted*, That after the making of such order, it shall be unlawful for any probate judge to issue a license to any person or persons to sell, give away, or otherwise dispose of, spirituous, vinous or malt liquors in said county; and any probate judge violating the provisions of this act shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined in a sum not less than one hundred nor more than five hundred dollars.

SEC. 7. *Be it further enacted*, That if it appear to the probate judge, on opening such election returns, that a majority of the votes cast were cast against prohibition, then he shall make an order dismissing such petition at the cost of the petitioners.

SEC. 8. *Be it further enacted*, That after the filing of the petition or petitions referred to in the first section of this act, it shall not be lawful for any probate judge to issue license to any person or persons to sell, or otherwise dispose of, spirituous, vinous or malt liquors until a vote has been taken; *Provided*, A second petition for the same purpose shall not be entertained within twenty-four months from the filing of the petitions aforesaid.

No license to be granted after petition for elections until vote is announced.

SEC. 9. *Be it further enacted*, That the petitioners shall deposit, upon filing their petition or petitions with the probate judge, such a sum of money as may be deemed necessary to defray the expenses of said election.

Petitioners to deposit money for expenses of election.

Another election can be held in two years on question.

SEC. 10. *Be it further enacted*, That after two years from said election shall have expired, it shall be lawful for petitions to be filed and an election held, as in the first instance, for the purpose of revoking the order provided for in section five of this act, and if it appear to the probate judge on counting the vote polled at such election, that a majority of the votes were cast against prohibition, then he shall make an order revoking the former order made by him prohibiting the sale or other disposition of spirituous, vinous or malt liquors in said county; *Provided*, This section shall not be so construed as to repeal any act of the General Assembly prohibiting the sale or other disposition of spirituous, vinous or malt liquors within any designated locality in said county.

Duty of circuit judges under this Act.

SEC. 11. *Be it further enacted*, That the circuit judges be required to charge the grand juries at each term of their respective courts to inquire into and return offenses against this act.

As to incorporated towns.

SEC. 12. *Be it further enacted*, That in the event no election is held, as hereinbefore provided, within four months of the approval of this act, or in the event an election is held, and a majority of the votes are cast against prohibition, then it shall still be lawful for any three freeholders in any beat, incorporated town or city in said county, to petition in writing the probate judge of such county to order an election to be held in said beat, incorporated town or city, to determine whether spirituous, vinous or malt liquors shall be sold, given away, or otherwise disposed of, within said beat, incorporated town or city; and upon the filing of said petition the probate judge shall forthwith order an election to be held in said beat, incorporated town or city, as the case may be, and shall proceed in all respects as hereinbefore provided for the county election; and all of the preceding sections of this act not inconsistent with this section shall be applied with the same force and intent in any election held in and for a single beat, incorporated town or city, as in the county election.

SEC. 13. *Be it further enacted*, That all laws and parts of laws in conflict with this act be, and the same are, hereby repealed.

Approved February 26, 1881.

No. 162.]

AN ACT

[H. B. 288.]

To amend section 5063 of the Code of Alabama, so far as the same relates to Clay county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section 5063 of the Code of Alabama, so far as the same relates to the county of Clay, be amended so as to read as follows:

§ 5063. *Fees of Bailiffs.*—Bailiffs shall receive one Bailiff's fees. dollar and fifty cents per day while in attendance on the circuit, city, criminal or probate court, to be paid in the same way that regular jurors are paid.

Approved February 8, 1881.

No. 163.]

AN ACT

[H. B. 263.]

To amend section 5049 of the Code of Alabama, so far as the same relates to Clay county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section 5049 of the Code of Alabama, so far as the same relates to Clay county, be amended so as to read as follows:

§ 5049. *Regular jurors' fees.*—Regular jurors, both grand and petit, are entitled to one dollar and fifty cents Pay of jurors regulated. for each day's service, five cents for each mile traveled in going to and returning from court, and ferriages, to be proved by the oath of the juror before the clerk of the court, whose duty it is to give each juror a certificate stating therein the number of days he has served, the number of miles he has traveled, and the amount of compensation to which he is entitled, which certificate shall be receivable in payment of county taxes, and any other county dues, and payable out of the county treasury.

Approved February 8, 1881.

No. 164.]

AN ACT

[H. B. 262.]

To repeal an act entitled "An act for the preservation of game animals and birds, in Clarke and other counties," approved February 13, 1879, so far as it relates to Clarke county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act entitled "An act for the preservation of game animals and birds, in Clarke and other counties," approved February 13, 1879, be, and the same is, hereby repealed, so far as it relates to Clarke county.

SEC. 2. *Be it further enacted*, That all laws affecting said county for the preservation of game animals and birds, be, and the same are, hereby repealed, so far as they relate to said county.

Approved December 8, 1880.

No. 165.]

AN ACT

[H. B. 314.]

To create Clarke county into the sixteenth Chancery District of the Southern Chancery Division.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the county of Clarke is hereby made a separate chancery district, and that it be known as district number sixteen of the southern division.

SEC. 2. *Be it further enacted*, That the courts of said district shall be held at Grove Hill, the county seat of said county twice a year, at the following times: On the first Fridays after the second Mondays in January and June, and continue two days.

SEC. 3. *Be it further enacted*, That the records of the chancery court of said county shall remain at Grove Hill, said county seat, as the chancery court records of this district.

SEC. 4. *Be it further enacted*, That all laws in conflict with this act be, and the same are, hereby repealed.

Approved February 23, 1881.

No. 166.]

AN ACT

[H. B. 900.]

To authorize the court of county commissioners for Clarke county to make a final settlement with Seth J. Parker, late tax collector of said county, and to legalize certain acts of said court.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the court of county commissioners of Clarke county shall be, and are, hereby authorized and required, in making a final settlement with Seth J. Parker, former tax collector of said county, to estimate and include all sums heretofore paid by said Parker, and which have not been passed to his credit by the county treasurer of said county. In settling certain accounts to be allowed.

SEC. 2. *Be it further enacted,* That said court of county commissioners, in making such settlement, shall also be authorized and required to credit said S. J. Parker, former tax collector, with any sum or sums of tax money due or collected for the years A. D. 1876 and 1877, and previous years, which had been legally assessed and remained uncollected, and which were turned over by agreement with the court of county commissioners to R. H. Flinn, the successor in the office of tax collector of said Seth J. Parker in April A. D. 1878. Allowances as to previous years.

SEC. 3. *Be it further enacted,* That the acts and orders of the said court of county commissioners of said county of Clarke, at the July terms of said court in the years A. D. 1879 and 1880, be, and the same are, hereby legalized, as to the allowance of errors and insolvencies for portions of the uncollected taxes of the years A. D. 1876 and 1877, then passed upon by said court. Certain orders of county commissioners legalized.

Approved February 28, 1881.

No. 167.]

AN ACT

[H. B. 673.]

To fix the pay of the sheriff of Coffee county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the sheriff of Coffee county shall receive

For certain services \$150 per annum allowed.

for his services for empannelling grand and petit juries, advertising and attending all elections in his county, and for all other public services not otherwise provided for, the sum of one hundred and fifty dollars annually, to be paid out of the general fund of the county, by warrant drawn by the judge of probate on the county treasurer.

SEC. 2. *Be it further enacted*, That all laws and parts of laws, in so far as they conflict with this act, be, and the same are, hereby repealed.

Approved March 1, 1881.

No. 168.]

AN ACT

[s. 442.

To authorize the court of county commissioners of Colbert county, to issue the bonds of said county for an amount not exceeding ten thousand dollars, for the purpose of assisting in the building a court house in said county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the court of county commissioners for the county of Colbert be, and they are, hereby authorized to issue the bonds of said county of Colbert, to an amount not exceeding ten thousand dollars, or so much thereof as said court may deem necessary for the purpose hereinafter named, in sums of one hundred dollars, and payable at such time and place as said court may designate, not exceeding six years from the date thereof, and redeemable at the pleasure of said county at any time within the said period of six years, with coupons attached bearing interest at a rate not exceeding eight per cent. per annum, and payable annually to bearer.

How executed and records of the same.

SEC. 2. *Be it further enacted*, That the bonds authorized to be issued under the provisions of this act shall be signed by the probate judge of said county, and countersigned by the county treasurer of said county, and the seal of the county shall be affixed thereto; and the said county treasurer must keep a correct account of all the bonds issued and disposed of under this act.

SEC. 3. *Be it further enacted*, That the said commissioners court of said county of Colbert are hereby

authorized to do any and all things authorized by this act, which may be necessary to carry out the powers hereby granted, either through themselves or by any agent or agents, duly appointed by them for that purpose, at any term of said court, whether at a regular or special term thereof, and no technical informality, irregularity, neglect or omission, in the proceedings or records of said court, shall in anywise vitiate or annul said bonds or coupons, which shall have all the protection and properties of commercial paper.

Powers of the commissioners in issuing bonds.

SEC. 4. *Be it further enacted*, That the commissioners court of said county are hereby authorized to negotiate and sell such bonds as are issued by them by virtue of this act, and the proceeds of said bonds shall be paid over to, and kept by the treasurer of said county, and to be used and applied to pay for the building material, and erection of a court house in and for said county at the county seat thereof, such use, payment and application of said proceeds to be under the direction and by the authority of said court of county commissioners, and the said county treasurer to be responsible for the safe keeping of all the proceeds arising from the sale of said bonds which may come into his possession in his official capacity, the same as for other county funds or money in his hands as such treasurer.

Sale of the bonds and proceeds to be applied to building court house.

SEC. 5. *Be it further enacted*, That it shall be unlawful for the said court of county commissioners, or any member thereof, or any of the officers of said county of Colbert, to apply the proceeds of the sale of any of the bonds issued by authority of this act to any other purpose than that hereinbefore specified.

Bonds to be used only for purpose mentioned.

SEC. 6. *Be it further enacted*, That in order to pay the interest and principal of the bonds issued by authority of this act, the said court of county commissioners is hereby authorized and required to levy a special tax, from time to time, upon all the property, licenses and business, subject to a State tax under the revenue laws of the State, situated or located within the limits of said county.

Special tax authorized.

SEC. 7. *Be it further enacted*, That the bonds and coupons thereof, herein authorized to be issued, shall, as they respectively mature and become payable, be received for all county taxes in said county of Colbert.

Approved February 28, 1881.

No. 169.]

AN ACT

[s. 160.]

To repeal "An act to lay off the county of Conecuh into four commissioners' districts."

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act entitled "An Act to lay off the county of Conecuh into four commissioners' districts," approved December 11, 1873, be, and the same is, hereby repealed.

Approved March 1, 1881.

No. 170.]

AN ACT

[s. 203.]

To provide for the collection of all funds in favor of, and the registration of all claims and debts against, the fine and forfeiture fund of the counties of Butler and Conecuh.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That all persons having claims or debts of any character or description whatever against the fine and forfeiture fund of the counties of Butler and Conecuh, whether due or not, and payable or to be payable out of said fund, contracted or existing before the passage of this act, shall be presented to the treasurer of said counties for registration in his office by the first day of September, 1881, or the same shall be forever barred.

Claims must be presented to treasurer for registration by 1st of September, 1881.

Book for registration.

SEC. 2. *Be it further enacted*, That the treasurer of each of said counties shall register in a suitable book all claims or debts presented to him for registration under this act, which registration shall show the name of the claimant, the character of the claim, the amount claimed, the time when made and when due.

Publication to be made to person holding claims.

SEC. 3. *Be it further enacted*, That the treasurer of each of said counties, by publication once a week for six successive weeks, shall require all persons having any such claims against said counties to present the same to him for registration by the first day of September, 1881, or the same shall be forever barred, and the expenses of such publication shall be paid by the county.

SEC. 4. *Be it further enacted*, That all such claims against either of said counties accruing after the passage of this act shall be registered in the same manner as provided in section two (2) of this act, within thirty days after the same shall accrue, and if not so registered, shall be forever barred.

Claims hereafter accruing to be registered.

SEC. 5. *Be it further enacted*, That said treasurers shall pay such claims as accrued before the passage of this act and are registered under its provisions in the order of their allowance, and not in the order of their registration, and all such claims as shall accrue after its passage must be paid in the order of their registration.

Old claims to be paid according to date of allowance; new order according to registration.

SEC. 6. *Be it further enacted*, That the fines assessed against defendants in all criminal cases, and against defaulting witnesses or jurors, and all final judgments against defaulting defendants, or their bail, in each of said counties shall be collected only in such claims or debts against said fine and forfeiture fund as shall have been properly registered under the provisions of this act, and in the order of their payments, or in money; when collected in money, it shall be paid over by the officers collecting the same within five days thereafter to the treasurer, who shall enter the same to the credit of the fine and forfeiture fund, and keep it separate and apart from other funds in his hands; and when said fines or judgments shall be collected in a claim or claims against said fund, the same shall be paid over by the officer collecting the same within five days thereafter to the treasurer, who shall cancel the same, and also mark it paid upon his registry.

How fines, &c., can be paid.

SEC. 7. *Be it further enacted*, That the respective treasurers of said counties shall give notice, by publication or posting as now required by law, in the months of July and December of each and every year, of the amount of money in their hands belonging to said funds, and a list of claims entitled to payment, and if such claim or claims are not presented for payment within four months after said notice is given, the same shall lose priority of payment over other claims then registered, and its payment postponed in their favor on the registry.

Publications to be made by Treasurer of amount on hand, &c.

SEC. 8. *Be it further enacted*, That all laws or parts of laws contravening the provisions of this act be, and the same are, hereby repealed.

Approved March 1, 1881.

No. 171.]

AN ACT

[s. 112.]

To abolish the county court of Conecuh county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the county court of Conecuh county be, and the same is, hereby abolished; *Provided*, That said court may complete the unfinished business now pending therein.

Approved December 8, 1880.

No. 172.]

AN ACT

[H. B. 227.]

To repeal an act entitled "An act to regulate the pay of grand and petit jurors of Covington county."

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the act entitled "An act to regulate the pay of grand and petit jurors in the county of Covington," approved April 10, 1873, be, and the same hereby is, repealed.

Approved February 26, 1881.

No. 173.]

AN ACT

[H. B. 315.]

To prohibit the sale, giving, distilling, or otherwise disposing of, intoxicating beverages in Crenshaw county, Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act any person who distills, sells, gives away, or otherwise disposes of, vinous, spirituous or malt liquors, intoxicating bitters, or other intoxicating beverages, within Crenshaw county, Alabama, shall be deemed guilty of a misdemeanor, and, on conviction, shall be fined not exceeding five hundred dollars nor less than fifty dollars, or may be sentenced to the county jail or to hard labor for the county not exceeding thirty days; *Provided*, That nothing in this act shall prevent any person from

Sale or distilling prohibited.

giving to his guests, in his private residence, one or more drinks of spirituous, vinous or malt liquors, or other intoxicating liquors; *Provided further*, That such residence is not in any way connected, or forms any part of a tavern, inn, hotel, store, law office, medical office, grocery, or other house where any public business is carried on or transacted; *Provided further*, That nothing contained in this act shall prevent spirituous, vinous or malt liquors from being sold or given upon the certificate of a physician in regular practice for medicinal purposes.

SEC. 2. *Be it further enacted*, That all laws in conflict with the provisions of this act be, and the same are, hereby repealed.

Approved December 8, 1880.

No. 174.]

AN ACT

[s. 244.

To establish an Inferior Court for Cullman county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That there is hereby established, in the county of Cullman, an inferior court, to be called the county court of Cullman county, with civil and criminal jurisdiction, to be held and presided over by a judge who shall reside in the county, who shall be learned in the law, and who shall be appointed by the Governor of Alabama; and shall hold his office three years from the date of his commission. He shall take and subscribe to the same oath, and be removed for the same cause, as circuit judges of the State; vacancies in the office filled by the Governor of Alabama. The judge, before entering upon the duties of his office, shall give bond, with two or more sufficient sureties, in the sum of two thousand dollars, to faithfully perform the duties of his office of county judge, according to law, and will pay into the county treasury all fines and forfeitures that come into his hands by virtue of his office. The bond to be approved by the probate judge of Cullman county and filed in his office.

Inferior court established and its jurisdiction set forth.

The judge to be appointed by the Governor.

SEC. 2. *Be it further enacted*, That said court shall have original jurisdiction, concurrent with the circuit

Jurisdiction
concurrent
with court as
to misdemea-
nor.

courts, of all misdemeanors committed in Cullman county; and civil jurisdiction of any amount not to exceed three hundred dollars, except actions to try titles to land. The judge of said court is to have the same power to punish for contempt as circuit judges have; to issue writs of *mandamus*, *certiorari* and *habeas corpus*, as circuit judges; administer oaths, take acknowledgments of deeds, and solemnize the rites of matrimony.

Sheriff ex-of-
ficio.

SEC. 3. *Be it further enacted*, That the sheriff of Cullman county is *ex officio* sheriff of said court, and shall attend the terms of said court, and be entitled to the same fees, in civil cases, as for like services in the circuit court. All processes from said court shall be directed to the sheriff of Cullman county.

The judge shall
be clerk.

SEC. 4. *Be it further enacted*, That the judge of said court shall be clerk, and shall keep a book in which the proceedings, both civil and criminal, shall be kept. All processes in civil cases shall be commenced by summons and complaint, the same as in the circuit court, the summons to be signed by the judge.

Courts to be
held quarterly.

SEC. 5. *Be it further enacted*, That the courts of said county shall be held quarterly, at the court house, for the county of Cullman, commencing at such time as the judge thereof may designate, and may continue until the business is disposed of.

The judge to
appoint attor-
ney to repre-
sent State.

SEC. 6. *Be it further enacted*, That the judge of said court shall appoint some practicing attorney at law in Cullman county to prosecute for the State, in all State cases. And he shall be entitled to the same fees, in cases of conviction, that are allowed solicitors in the circuit courts for the same services, and he shall be subject to the same rules and regulations as now govern solicitors in the circuit courts.

Jurors to be
drawn in cer-
tain cases.

SEC. 7. *Be it further enacted*, That in all civil cases where the amount involved is over twenty dollars, upon the application of either party to the suit, five days before the day set for trial, the judge and the sheriff shall draw from the qualified citizens of Cullman county, twelve jurors, whose qualification and oath shall be the same as jurors for circuit courts, to try the case. The jurors shall be entitled to fifty cents each, for each case they try, to be taxed as costs. Such jurors after being summoned three days before, will be subject

to the same fine for failure to attend the court that jurors of the circuit court are for like failures in circuit courts. Vacancies can be filled, as in circuit courts, by order of the judge.

SEC. 8. *Be it further enacted*, That the fees of the judge in all civil cases shall be as follows: For any summons and complaint, 75 cents; for any copy thereof, 25 cents; docketing case, 25 cents; for any order made in cause, 25 cents; for copy, 25 cents; for any trial, either with or without jury, \$1.00; for entering up judgment or copy thereof, 25 cents; for *scire facias* or notice in the nature thereof, 50 cents; for any execution or copy thereof, 50 cents; for issuing attachment and taking bond, \$1.00; for each summons for garnishee in attachment, 50 cents; for swearing and taking examination of garnishee, 50 cents; for commissions to take depositions, or copy thereof, 50 cents; for copy of interrogatories, 50 cents; for writ of *mandamus certiorari* or *habeas corpus*, 50 cents; for taking *certiorari*, *supersedeas*, or appeal, 50 cents; for issuing subpoena for each witness, 25 cents; for any service not mentioned in this section the fees shall be the same that are allowed the clerks of the circuit courts for like services. The fees in criminal cases shall be as follows: For taking affidavit of complainant, and issuing warrant of arrest, \$1.00; for taking bail bond, 50 cents; for issuing each subpoena for witness, or notice thereof, 25 cents; for each order of continuance, 50 cents; for each trial and entering judgment, \$2.00; for approving bond and certifying proceedings, when appeal, \$1.50; for judgment on forfeited undertaking of bail, \$1.00 for judgment against defaulting witness, 50 cents; for search warrant, issuing of, 75 cents; and for all services not mentioned in this section the same fees are allowed the judge as are allowed the circuit clerk for the same services.

SEC. 9. *Be it further enacted*, That in all civil cases either party to a suit has the right of appeal to the circuit court, by giving bond as required in cases of appeal from justices of the peace to the circuit courts. And defendants in criminal cases have the right of appeal to the circuit court on complying substantially with the section 4724 of the Code.

SEC. 10. *Be it further enacted*, That in all civil cases

Executions to
issue.

where no appeal is taken within five days after judgment is given, it shall be the duty of the judge to issue an execution for the amount of the debt and cost of suit, returnable to the next term of the court. In like manner, in all criminal cases, executions are required to be issued the same as are laid down in the Code in the county court, except that the execution shall be made returnable three months after rendition of judgment.

SEC. 11. *Be it further enacted*, That all laws and parts of laws in the Code of Alabama, making the probate judge of Cullman county judge of the county court, are hereby repealed.

Approved March 1, 1881.

No. 175.]

AN ACT

[H. B. 230.

To amend section two of "An act to provide a fund for the payment of witnesses for the State, in the circuit court of Dallas county, and in the city court of Selma, and to prescribe their compensation," approved February 13, 1879.

Section amend-
ed.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section two of the act entitled "An act to provide a fund for the payment of witnesses for the State, in the circuit court of Dallas county, and in the city court of Selma, and to prescribe their compensation," approved February 13, 1879, be amended so as to read as follows: Section 2. *Be it further enacted*, That all money collected on judgments in the circuit court of Dallas county, and in the city court of Selma, for fines and forfeitures, shall be a fund for the payment of witnesses for the State in said courts, including witnesses before the grand jury; and all officers collecting any such money are hereby required to deposit the same in the bank in which the moneys of Dallas county are kept, to the credit of said fund, within ten days after the same is collected; and all officers who collect any of said money are hereby required to file a statement in writing, and under oath, on the first Mondays in January and July in each year, in the office of the

probate judge of said county, for the use of the court of county revenues of said county, setting forth from whom and how much money they have collected for said fund, and what disposition they have made of the same; and whenever there shall be a surplus of said fund, over and above the sum required to pay the claims of the State witnesses registered under the fifth section of this act, the court of county revenues of Dallas county may pay said surplus to the clerks of said courts, the sheriff and solicitor, on their claims for fees in the criminal cases specified in section 4461 of the Code; but any officer who fails to deposit any money collected by him according to the requirements of this act shall, on conviction, be fined not less than the amount he so fails to deposit, and he shall receive no part of said surplus on his claim for fees; and any officer who fails to file the statement required by this act shall receive no part of said surplus on his claims for fees.

Approved December 4, 1880.

No. 176.]

AN ACT

[H. B. 82.]

To prevent the running at large of stock in certain portions of Dallas county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That it shall not be lawful for stock of any description whatever to run at large in all that part of Dallas county lying within the following described limits, to-wit: Commencing where the Selma & New Orleans railroad crosses the Cahaba river; thence west along said railroad, to the line of the old Cahaba and Marion railroad; thence south on the east side of Big Swamp, to the public road leading from Cahaba to Orrville; thence east along said public road, to White Bluff on the Alabama river; thence up the Alabama river, to the mouth of the Cahaba river; and thence up the Cahaba river, to the point of beginning, where said Selma and New Orleans railroad crosses said Cahaba river; also, the following lands in Dallas county, to-wit: Beginning at the Perry county line on the Cahaba river, ^{Prohibited territory set forth.}

and running down the left bank of the Cahaba river, to Alabama river; thence up Alabama river, to Valley Creek; thence up Valley Creek, to Kenan's Mills; thence along the Selma and Summerfield public road, to Perryville road; thence to Baker's Bridge, on Ocmulgee Creek, and thence down Ocmulgee creek, to the Perry county line; thence down county line, to the Cahaba river.

Owner of stock
at large liable
for damage
done.

SEC. 2. *Be it further enacted*, That the owner of any stock running at large, in violation of the provisions of the first section of this act, shall be liable to the party injured for any damages done by said stock to any lands, or to any crops, fruit trees, shrubbery, or other property in said district, and the party injured shall have a lien superior to all other liens on the stock doing such damage for all damages done by such.

How damages
can be obtain-
ed.

SEC. 3. *Be it further enacted*, That whenever any damage has been done to any property in said district, by stock running at large in violation of the provisions of section one of this act, the party whose property has been damaged may, within ten days after such damage was done, make complaint against the owner of the stock doing the damage to a justice of the peace, or notary public, of the precinct in which such damage was done, or if there be no justice of the peace, or notary public, of the precinct in which such damage was done, then to a justice of the peace, or notary public, of any adjoining precinct, describing the property damaged and the stock doing the damage, and whenever such complaint is made to the justice of the peace, or notary public, he shall issue notice to the owner of such stock, commanding him to appear and answer such complaint, on a day not less than five nor more than ten days from issuance of such complaint; said justice of the peace, or notary public, shall also issue notice to three disinterested freeholders, to be selected by him, commanding them to assess and report to him on the day on which the owner of said stock is required to answer said complaint, on their oaths, the amount of damages the complainant has sustained, which report shall be evidence on the trial of the cause; and if the owner of said stock appears on the day he is commanded to appear, and answers said complaint, the justice of the peace, or notary public, shall try such cause,

and render such judgment therein as the justice and equity of the case demands; but if the owner of such stock does not appear and answer, the justice of the peace, or notary public, shall give judgment for the complainant for such damages as he may have sustained; and if judgment be rendered for the complainant, the justice of the peace, or notary public, shall also render judgment condemning the stock doing the damage to be sold for the satisfaction of such judgment and the costs of suit; and shall issue execution on such judgment commanding any constable of Dallas county to levy on and sell such stock, describing them in the execution, for the satisfaction of such judgment and costs.

SEC. 4. *Be it further enacted*, That either party shall have the right to appeal from the judgment of the justice of the peace, or notary public, in such cause. Right of appeal.

SEC. 5. *Be it further enacted*, That the owner or manager of any stock who shall knowingly suffer such stock to run at large, in violation of the provisions of the first section of this act, shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than three nor more than twenty-five dollars; *Provided*, That justice of the peace, and notary public, shall have jurisdiction of the offenses under this section; *And provided further*, That all prosecutions under this section must be commenced in twenty days after the commission of the offense, and that the party injured by such stock shall alone have the right to institute such prosecution. Penalty for violation.

Approved December 8, 1880.

No. 177.]

AN ACT

[H. B. 610.]

To amend an act entitled "An act to prevent stock from running at large in that portion of Dallas county embraced between Sandy, Chittatchie and Bogue Chitto creeks, and between the upper Linden and the old Wire road," approved February 13, 1879.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 1 of an act entitled "An act to

prevent stock from running at large in that portion of Dallas county embraced between Sandy, Chittatchie and Bogue Chitto creeks, and between the upper Linden and old Wire road," be so amended as to read as follows: That it shall not be lawful for stock of any description whatever to run at large in the following described district in Dallas county, to-wit: all that part of Dallas county embraced between Sandy, Chittatchie and Bogue Chitto creeks, and between the upper Linden and old Wire road, and in "Orrville beat," in said county of Dallas, as now constituted; *Provided*, That the provisions of this act shall not apply to stock from Lexington beat, in said county of Dallas.

Approved February 26, 1881.

No. 178.]

AN ACT

[H. B. 369.]

To provide for the payment of certain fees to constables in criminal cases in Dallas county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That for carrying one or more prisoners to jail, when committed thereto, or to the hirer of convicts to hard labor, when sentenced to hard labor for the county by justices of the peace, or notaries public, constables, or other persons acting as such in Dallas county, shall receive ten cents for each mile from the place of trial to the jail, or to the place where the prisoners are delivered to the hirer, and all necessary ferrriages, the distance to be computed one way only, and by the nearest practicable route, and if the distance is ten miles or more, he shall also receive a fee of one dollar; and the claim must be audited by the court of county revenue, or court of county commissioners of the county, and must be paid out of the fine and forfeiture fund, if there is a surplus of said fund after paying the registered claims of State witnesses, and if there is not such surplus, out of the general fund of the county; and in taxing the costs the justices, or notaries, must tax the items herein specified for the county, and when the costs are collected, the officer collecting the same, shall pay the costs so taxed for the county into the county

treasury, to be credited to the proper fund out of which such costs may have been paid; and for failing to do so, such officer shall, on conviction, be fined not less than double the amount of the costs so taxed for the county.

Approved March 1, 1881.

No. 179.]

AN ACT

[H. B. 759.

To amend section one of an act entitled "An act for the preservation of game animals and birds in the counties of Mobile, Monroe, Marengo, Baldwin, Dallas, Lowndes, Hale, Montgomery, Clarke, Greene, Wilcox, Pike, Talladega, Pickens, Bibb, Autauga, Chilton, Clay and Jefferson," approved February 13, 1879, so far as the same relates to Dallas county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section one of an act entitled "An act for the preservation of game animals and birds in the counties of Mobile, Monroe, Marengo, Baldwin, Dallas, Lowndes, Hale, Montgomery, Clarke, Greene, Wilcox, Pike, Talladega, Pickens, Bibb, Autauga, Chilton, Clay, and Jefferson, in so far as the same relates to Dallas county," be so amended as to read as follows: Section 1. *Be it enacted by the General Assembly of Alabama,* That it shall be unlawful at any place in the county of Dallas, to catch, kill, injure, or pursue with such intent, any wild buck, doe or fawn, between the fourteenth day of February and the twentieth day of October; and it shall be unlawful to catch, kill, or injure, or pursue with such intent, any wild turkey between the first day of April and the twentieth day of October; and it shall also be unlawful to catch, kill, or injure, or pursue with such intent, any turtle dove, sometimes called mourning dove, between the first day of April and the tenth day of July; and it shall be unlawful to catch, kill, or injure, or pursue with such intent, any quail, sometimes called a partridge, between the fifteenth day of March and the tenth day of October; and it shall be unlawful at any time, and at all seasons, to catch, kill, or injure, or pursue with such intent, the mocking bird, cat bird, or

Act amended
as to Dallas
county.

thrush, or to trap, net, or snare any quail, sometimes called a partridge, or to sell, offer for sale, or have in possession, any quail, sometimes called a partridge, that has been so caught in any trap, net, or snare, but the above provisions as to trapping, netting, and snaring quail, or partridges shall not apply to the owner of the land upon which the same may be done.

Approved March 1, 1881.

No 180.]

AN ACT

[H. B. 192.]

To allow the qualified voters of Escambia county to locate the county site by ballot.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the qualified electors of Escambia county be, and they are, hereby authorized to permanently locate the county site of said county by ballot.

SEC. 2. *Be it further enacted*, That the sheriff of said county of Escambia be, and he is, hereby directed to order an election to be held, within a period of sixty days after the passage of this act, at the various voting places of said county, for the purpose of carrying out the provisions of the foregoing section, said election to be governed, in every particular, by the election laws now in force, and the place receiving the largest number of votes shall be declared the county site of said county.

Approved February 18, 1881.

No. 181.]

AN ACT

[H. B. 967.]

To amend section 837 of the Code of Alabama, so far as the same relates to the county of Etowah.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 837 of the Code of Alabama be, and the same is, hereby amended, as to the county of Etowah, so as to read as follows, to-wit:

§ 837. *Applies to all claims created prior to the*

proposed compromise, except those against the fine and forfeiture fund.—The indebtedness referred to in the preceding section shall be all lawful claims against the county created prior to the proposed compromise, but not to include claims against the fine and forfeiture fund.

SEC. 2. *Be it further enacted,* That section 837 of the Code of Alabama, as it now stands, be, and the same is, hereby repealed so far as the same relates to the county of Etowah.

Approved March 1, 1881.

No. 182.]

AN ACT

[H. B. 684.]

To authorize the court of county commissioners of Greene county to issue bonds for the purpose of compromising the old bonds of said county, issued in aid of Selma, Marion and Memphis Railroad Company.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the court of county commissioners of Greene county be, and is, hereby authorized and empowered to cause to be prepared and issued, bonds of the county, not exceeding in the aggregate forty thousand dollars. Said bonds may be issued for sums of fifty, one hundred, and five hundred dollars, as in the discretion of said court of county commissioners may seem best for the purpose herein expressed. They shall be signed by the treasurer, and countersigned by the probate judge of said county, and shall have attached thereto interest coupons, signed and numbered to correspond with the bond, and setting forth the amount of interest which will be due at the time named in said coupons. Said bonds shall bear interest at the rate of not exceeding eight per centum per annum, payable annually. The county treasurer shall keep a book of registration in which he shall keep the number, description and amount of all bonds issued by him under the provisions of this act, and he shall issue said bonds on the order only of the court of county commissioners of said county. These bonds shall be issued

Court of county commissioners authorized to issue bonds to amount \$40,000; bonds described, when due; registration to be made.

so as to fall due at such time or times as in the discretion of said court of county commissioners may seem best to subserve the interest of the people of said county, and carry out the purposes herein expressed, but none of said bonds shall be issued to run for a longer period than ten years before maturity; *Provided*, That said commissioners court shall have the privilege, and are hereby authorized, to call in or redeem any of said bonds before their maturity, after five years from the date of their issue, upon payment of the principal and interest then due. These bonds and coupons, when due, and at any time thereafter, shall be received, when presented, at their par value, in payment of all dues to said county, and for all taxes levied for the use thereof, excepting such special taxes only as may be levied to pay for necessary public buildings or bridges in said county.

Purpose for
which bonds to
be used.

SEC. 2. *Be it further enacted*, That the bonds issued under the provisions of this act, or the proceeds arising from the sale of the same, shall not be used for any other purpose than to pay off and discharge the bonds now outstanding against said county, and it shall be the duty of both the county treasurer and the court of county commissioners to guard this section.

Special tax au-
thorized.

SEC. 3. *Be it further enacted*, That the said court of county commissioners shall have power, and it is hereby made their duty, to levy, from time to time, for each and every year, and in conjunction with the tax otherwise levied for county purposes for such year, within the constitutional provision for taxation, a sufficient additional tax to pay, at maturity, all interest and principal of said bonds that may be due or become due in that year; and said additional tax shall be collected in the same manner and by the same officer as other taxes for county purposes, and after collection shall be kept separate and apart from all other money in the treasury, and shall not be used for any other purpose than for the payment of bonds and coupons issued under the provisions of this act.

SEC. 4. *Be it further enacted*, That the holders of the bonds and the coupons now against said Greene county, issued in aid of the Selma, Marion and Memphis railroad shall present them to the treasurer of Greene county, at Eutaw, Alabama, within twelve (12)

months after notice, by publication in the Whig and Observer, Montgomery Advertiser, Mobile Register, New York Herald, and St. Louis Republican, requiring the holders to do so; said notice to be given by the probate judge of Greene county, upon order of the commissioners court, of said Greene county; and upon failure to so present the same, all coupons then due shall be forfeited by the holder or owner thereof to the county, which said notice shall be given in each of said papers once a week for six (6) weeks.

Holders of bonds to present within 12 months after publication as provided in this section.

SEC. 5. *Be it further enacted*, That the commissioners court of Greene county is hereby authorized, if it should think proper, to create a sinking fund for the purpose of paying off the bonded indebtedness of said county, and for that purpose shall have authority to levy a special tax, not exceeding one-eighth of one per centum on the assessed valuation of the property, real and personal, in said county.

Commissioners court authorized to create sinking fund.

SEC. 6. *Be it further enacted*, That the court of county commissioners of said county be authorized to allow all just and reasonable expenses incurred in carrying out the provisions and purposes of this act as proper claims against the county.

Expenses of carrying out this Act.

SEC. 7. *Be it further enacted*, That nothing contained in this act shall have the effect of giving validity to any of the bonds now outstanding against the county, but all such bonds are left to stand upon their respective merits until the same shall be adjusted, settled or compromised, as herein provided for.

No validity to outstanding bonds.

SEC. 8. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be, and the same are, hereby repealed.

Approved February 23, 1881.

No. 183.]

AN ACT

[H. B. 683.]

To prevent the running at large of stock in certain portions of Greene county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That it shall not be lawful for stock of any kind or description whatever to run at large in that

Limits de-
fined.

portion of Green county bounded and described as follows, to-wit: Beginning at a point on the Warrior river known as Finch's Ferry, and running along the public road from said point to the corporate limits of the town of Eutaw; thence by the eastern boundary of said town, to its southern boundary; thence by said southern boundary, to its western boundary; thence along said western boundary, to the road leading from Eutaw to Clinton; thence along said Eutaw and Clinton road, to Trussells creek; thence along said creek, to the Bigbee river; thence along said river, to its confluence with the Warrior river; thence up said Warrior river, to the beginning at Finch's Ferry, as aforesaid.

Owner of stock
at large liable
for damage
done.

SEC. 2. *Be it further enacted*, That the owner of any stock running at large in violation of the provisions of the first section of this act, whether such owner resides, or the stock is owned by parties within the limits above described or not, shall be liable to the party injured for any damages committed by said stock to any lands, crops, fruit trees, shrubbery, or other property within the above described limits, and the party injured shall have a lien, paramount and superior to all other liens, on the stock committing such injuries or damages.

How to pro-
ceed to obtain
damages.

SEC. 3. *Be it further enacted*, That whenever any damage has been committed to any property in the district or limits as aforesaid, by stock running at large in violation of the provisions of section one of this act, the party whose property has been damaged may, within ten days after such damage has been committed, make complaint against the owner of the stock doing the damage or injury, to a justice of the peace, or notary public, of the precinct in which such damage has been done, or if there be no justice of the peace, or notary public, of the precinct in which such damage has been done, then to a justice of the peace, or notary public, of any adjoining precinct, describing the property damaged or injured, and the stock doing the damage; and whenever such complaint is made to the justice of peace, or notary public, he shall issue notice to the owner of such stock, commanding him to appear and answer such complaint, on a day not less than five nor more than ten days from issuance of such complaint; said justice of the peace, or notary public, shall also issue notice to three disinterested freeholders, to be

selected by him, commanding them to assess and report to him on the day on which the owner of said stock is required to answer said complaint, on their oaths, the amount of damages the complainant has sustained, which report shall be evidence on the trial of the cause; and if the owner of said stock appears on the day he is commanded to appear and answer said complaint, the justice of the peace, or notary public, shall try such cause, and render such judgment therein as the justice and equity of the case demands, but if the owner of such stock does not appear and answer, the justice of the peace, or notary public, shall give judgment for the complainant for such damages as he may have sustained, and if judgment be rendered for the complainant, the justice of the peace, or notary public, shall also render judgment condemning the stock doing the damage or injury to be sold for the satisfaction of such judgment and the costs of suit, and shall issue execution on such judgment commanding any constable of Greene county to levy and sell such stock, describing them in the execution, for the satisfaction of such judgment and costs.

SEC. 4. *Be it further enacted*, That either party shall have the right to appeal from the judgment of the justice of the peace, or notary public, in such cause. Appeal.

SEC. 5. *Be it further enacted*, That the owner or manager of any stock, who shall knowingly suffer such stock to run at large in violation of the provisions of this act, shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than five nor more than twenty-five dollars, and on failure to pay the same, with the costs, shall be sentenced to hard labor for the benefit of the county for not less than thirty nor more than ninety days for such fine, and for a further period sufficient to pay the cost at the rate of forty cents per day, not to exceed, however, thirty days for said cost; *Provided*, That justices of the peace, and notaries public, shall have jurisdiction of the offenses under this section; *And provided further*, That all prosecutions under this section must be commenced in twenty days after the commission of the offense, and that the party injured by such stock shall alone have the right to institute such prosecution. Penalty.

Certain Acts
repealed.

SEC. 6. *Be it further enacted*, That an act entitled "An act to regulate the enclosure of stock in a portion of the county of Greene, therein described," approved February 14, 1872, and the act entitled "An act to amend section one of an act entitled an act to regulate the enclosure of stock in a portion of the county of Greene, therein described," approved February 14, 1872, which last act was approved April 10, 1873, and all laws and parts of laws in conflict with the provisions of this act be, and the same are, hereby repealed.

Approved February 28, 1881.

No. 184.]

AN ACT

[H. B. 340.]

To regulate the fine and forfeiture fund of Hale county.

Treasurer to
keep a register
of claims.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the county treasurer of Hale shall keep a registry of all claims which are payable out of the fine and forfeiture fund of said county, showing date of claim, when issued or allowed, amount, and on what account it accrued, and the date of its registration, and no claim payable out of the fine and forfeiture fund shall in any manner be received or paid until the same shall have been so registered, and said claims shall be paid by the county treasurer in the order of their registration, except as provided in this act.

What funds
are to be placed
to credit of fine
and forfeiture
funds.

SEC. 2. *Be it further enacted*, That all fines and forfeitures, and all the hire of convict labor of said county, shall be, when received by the county treasurer, placed to the credit of the fine and forfeiture fund, and shall be disbursed by him according to the provisions of the first section of this act, and that all fines and forfeitures and all hire of convict labor shall be payable only in lawful money of the United States.

Claims of officers
to be itemized
and approved
by commissioners
court.

SEC. 3. *Be it further enacted*, That all claims due to the solicitor, clerks of the circuit and county courts, and sheriff's payable out of the fine and forfeiture fund, shall be itemized and sworn to by such officer, and examined and approved by the commissioners court of said county, and the same, when so approved, shall be registered as provided in this act.

SEC. 4. *Be it further enacted*, That when the county treasurer shall pay out any money of the fine and forfeiture fund, he shall first pay the registered State's witness tickets payable out of said fund, except as provided in this act.

Witnesses' registered tickets first to be paid.

SEC. 5. *Be it further enacted*, That the fees of State witnesses and officers of court, in cases convicted and sentenced to hard labor, shall be presented to and be approved by the commissioners court, and warrants drawn therefor upon the treasurer, payable out of the fine and forfeiture fund, and such warrants shall be the first claims paid out of the funds arising from the hire of convicts.

Fees for officers of court and witnesses in cases of convicts sentenced to hard labor.

SEC. 6. *Be it further enacted*, That all claims payable out of the fine and forfeiture fund shall be presented to, and be approved by, the commissioners court, and be registered with the county treasurer within twelve months from the time they become payable, or they shall be forever barred; and the same shall not be registered nor received in payment of any debt due the county; *Provided*, That no claim now barred shall be revived by this act, but all claims now due may be presented, approved, and registered within twelve months from the time they become due; *And provided further*, That State witness tickets must be registered as above provided, but not approved by the commissioners court.

Claims must be registered in 12 months.

SEC. 7. *Be it further enacted*, That chapter 2, articles 1 and 2, and chapters 2 and 3, title 2, part 5, of the Code of Alabama, and "An act to regulate the fine and forfeiture fund of certain counties," approved February 13, 1879, and all laws and parts of laws, so far as the same conflict with the provisions of this act, be, and the same are, hereby repealed.

Certain sections of Code and certain Acts repealed.

Approved February 26, 1881.

No. 185.]

AN ACT

[H. B. 41.]

To repeal an act entitled "An act to regulate legal advertising in the county of Henry."

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act entitled "An act to regulate legal advertising in the county of Henry," approved February 13, 1879, be, and the same is, hereby repealed, and this act shall take effect and be in operation from the date of its approval.

Approved February 26, 1881.

No. 186.]

AN ACT

[H. B. 371.]

To authorize the county superintendent of education of Henry county to disburse certain poll tax.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the county superintendent of education of Henry county, in this State, be, and he is, hereby authorized to pay out and disburse, according to the provisions of law in force in this State before the passage of the act hereinafter named, all such poll tax as has been assessed without a compliance with the provisions of section 7 of article 8 of an act entitled "An act to organize and regulate a system of public instruction for the State of Alabama," approved February 8, 1877.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be, and the same are, hereby repealed.

Approved March 1, 1881.

No. 187.]

AN ACT

[s. 90.]

To amend "An act authorizing the judge of the county court of Jackson county and commissioners of roads and revenues to perform certain duties therein named," approved January 25, 1845.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the first section of said act be amended so as to read as follows: It shall be the duty of the judge of probate and commissioners of roads and revenues of said county, on the second Monday in November in each and every year, to receive, at the court house in said county, sealed proposals for taking charge of the poor house and keeping the paupers of said county; that previous to receiving said proposals it shall be the duty of the judge of probate of said county to give at least thirty days notice, by written advertisements at the court house door, of said letting, and it shall be the duty of the judge and commissioners aforesaid to select, out of the number of those bidding, the person whose morals, humanity and integrity best qualify him for taking charge of said paupers, without regard to the lowest bidder; *Provided*, Said person shall first execute bond with security, to be approved by the judge of probate of said county, and made payable to said judge and his successors in office, in such sum as he may require, conditioned for the faithful performance of his duty as keeper of the poor, in the treating of them with tenderness and humanity, and furnishing them with sufficient quantity of sound, nourishing food, and clothing suitable to the season, and providing for them proper nursing and medicines when sick.

Section as amended in reference to caring for the poor of the county.

SEC. 2. *Be it further enacted*, That all laws or parts of laws contravening the provisions of this act be, and the same are, hereby repealed.

Approved December 3, 1880.

To provide a fund for the payment of witnesses for the State, and other officers in State cases, in Jackson county, and to prescribe their compensation.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That all judgments rendered by any court of said county, for fines or for forfeitures of undertakings for bails or recognizances, that may become payable after the passage of this act, shall be paid in money only.

judgments for
fines and for-
feitures to be
paid in money.

Fund for pay-
ments of costs;
officers requir-
ed to pay over
all such money
and file state-
ment.

SEC. 2. *Be it further enacted,* That all money collected on judgments of any court of Jackson county, for fines and for forfeitures, shall be a fund for the payment of all costs for the State, including witnesses that are summoned and appear before the grand jury, and any officer collecting any such money is hereby required to pay the same to the treasurer of said county, to the credit of said fund, on or before each term of the circuit court of said county; and all officers who collect any of said money are hereby required to file a statement in writing, and under oath, during each term of the circuit court, in the office of the probate judge of said county, setting forth from whom, and how much money they have collected for said fund, and what disposition they have made of the same.

Pay of witness-
es fixed.

SEC. 3. *Be it further enacted,* That after the passage of this act, witnesses for the State in said courts, including witnesses that are summoned and appeared before the grand jury, shall receive seventy-five cents a day for attending and time, and one-half cent a mile from and to their residence, by the usual traveled route, and all necessary ferriages and tolls; but if a witness attend in more than one call, in the same case and on the same day, he shall be entitled to compensation for but one call only; all the officers in such cases shall receive the fees prescribed by law.

Clerk of court
to issue certi-
ficate of attend-
ance.

SEC. 4. *Be it further enacted,* That after the trial and continuance of any case in the circuit court or before the grand jury, the clerk of the court or foreman of the grand jury, upon the application and oath of the witness, shall issue the said witness a certificate, setting forth that he was a witness for the State, and the compensation to which he is entitled; and at the dis-

charge of the grand jury the foreman must furnish to the clerk a certified list of all the certificates issued by him during that term, showing to whom issued, and the amount due to each witness.

SEC. 5. *Be it further enacted*, That immediately after each term of the circuit court the clerk shall enter, in a book kept by the treasurer, a certified list of all certificates issued by him during that term of the circuit court to witnesses for the State, by the clerk, and by the foreman of the grand jury, showing the order by date in which they were issued, to whom and for what amount; and for making such list the clerk shall receive two cents for each certificate described therein, to be paid out of the fund herein provided for, on the delivery of the said list to the treasurer, should the money be sufficient to do so.

Clerk to enter in register's book list of witnesses attending for the State at each term of court.

SEC. 6. *Be it further enacted*, That on the completion of said list it shall be delivered to the treasurer by the clerk, whose duty it shall be to keep said book, and it shall be open to the inspection of all persons who have certificates described therein; and the certificates shall be paid in the order in which they are entered on said book; and when a certificate is paid the fact shall be marked on said book, with the date of payment, and the certificate shall be surrendered by the holder, and cancelled by the treasurer.

Treasurer to keep said book and certificates to be paid in the order entered in the book.

SEC. 7. *Be it further enacted*, That whenever the costs in a criminal case in said county are imposed on the defendant, or the prosecutor, or the foreman of the grand jury, the fees in such cases for witnesses for the State shall be taxed as costs, and when collected shall be paid by the officer collecting the same to the treasurer, who keeps said fund for the county, and said fees shall constitute a part of the fund provided for by this act, and the officer collecting the same shall embrace said fees in the statements which he is required to make by the second section of this act.

Witnesses fees when taxed.

SEC. 8. *Be it further enacted*, That the costs due witnesses and officers in the probate and justices' courts shall be paid out of the fines and forfeitures paid into said courts in criminal cases, in the manner prescribed by section 4182, Code of 1876; and should the fines and forfeitures received by said inferior courts not be sufficient to pay the costs in their respective courts, then

How other costs are to be paid.

the judge, notary, or justice, shall make a statement under oath to the treasurer of the county of the amount of costs due in criminal cases disposed of in his court, during each term of the circuit court next thereafter, and the treasurer shall pay the same in their turn as other claims against the fine and forfeiture fund of the county.

SEC. 9. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be, and the same are, hereby repealed, so far as pertains to Jackson county.

Approved March 1, 1881.

No. 1884.]

AN ACT

[H. B. 89.]

To regulate the trial of misdemeanors in Jackson county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the county court of Jackson county shall have concurrent jurisdiction with the circuit court of said county for the trial of all misdemeanors committed in said county.

County court has concurrent jurisdiction with circuit courts in trial of misdemeanors.

SEC. 2. *Be it further enacted*, That the presiding judge of the circuit court of said county, at each succeeding term, shall enter on the minutes of said court, on the day of adjournment, an order requiring the clerk of the circuit court to deliver to the judge of the county court of said county all indictments presented or filed in the circuit court, and not finally determined, against persons charged with the commission of misdemeanors, and after the making of such order the jurisdiction of the circuit court shall cease, and exclusive jurisdiction shall vest in the county court.

Circuit judge to order all misdemeanor indictments turned over to probate judge.

SEC. 3. *Be it further enacted*, That it shall be the duty of the clerk of the circuit court of said county to enter causes transferred, as hereinbefore mentioned, on the docket of said county court, to deliver to the judge thereof all papers belonging to them, to prepare and furnish a certified transcript of all minutes, entries and proceedings had or made in any such cause in the circuit court, if the judge of the county court shall so

Circuit clerk's duties and transcripts to make.

order, to attend the terms of said county court, and to keep a book in which must be entered the minutes of each day's proceedings during the session of the court, and the orders and judgments in the order in which they are made or rendered, and to make a record of the proceedings in said causes so transferred as required by law to be kept of such causes in the circuit court, and in cases where arrests have not been made to issue *capiases* forthwith, returnable to the first day of the next term of the county court, and on application of either party, to issue subpoenas for witnesses in said causes so transferred, and certify the attendance of witnesses as in the circuit court.

SEC. 4. *Be it further enacted*, That it shall be the duty of the judge of the county court to hear counsel and decide these causes without a jury, unless the defendant demands a jury, and if he waive a jury, it must be entered of record, but if a jury is demanded, and in no other case, the court shall order the sheriff of said county to summon to the jury term of said court next succeeding, twenty-four freeholders or householders of the county, from whom a jury shall be empaneled; the procedure of the trial, except as altered by this act, to be the same as is now provided by law for like cases in the circuit court.

Judge of county court to hear causes without jury unless one is demanded.

SEC. 5. *Be it further enacted*, That during the term and before entering upon the trial, an indictment may be amended with or without the consent of the defendant, when the name of the defendant is incorrectly stated, or when any person's property, or matter therein stated is incorrectly described.

Indictments can be amended.

SEC. 6. *Be it further enacted*, That all proceedings as to bail, conditional judgments, forfeitures, judgments final, and *alias* warrants of arrest shall be the same as those provided by law of sections 4710 to 4715, inclusive, of the Code of 1876; and in all cases transferred as above, conditional judgments may be set aside, reduced or made absolute, and the same orders taken as if all former proceedings, orders and judgments had and taken in the circuit court had been made and rendered at prior terms of the county court.

Proceedings as to bail.

SEC. 7. *Be it further enacted*, That the defendant in all cases, whether tried by a jury, or by the court on waiving a jury, shall have the right of appeal to the

Right of appeal.

supreme court only, and may reserve by bill of exceptions any question of law arising in any of the proceedings in like manner and form as provided for in similar cases in the circuit court, by sections 4978 to 4992, inclusive, of the Code of 1876.

When county judge is disqualified some qualified disinterested practicing attorney to be selected.

SEC. 8. *Be it further enacted*, That if in any case the county judge shall be legally disqualified to try, hear or render judgment in such cause, the solicitor, or other prosecuting officer, and the defendant or defendants may agree upon some disinterested person practicing in the court and learned in the law, to act as special judge, to sit as a court, and to hear, decide, and render judgment in the same manner and to the same effect as the judge of the county court, sitting as a court, might do in such case. If the prosecuting officer and the defendant or defendants do not agree upon a special judge, the clerk of the circuit court of said county shall appoint the special judge, who shall preside, try and render judgment as in this section provided.

Duty of solicitor.

SEC. 9. *Be it further enacted*, That the solicitor of the judicial circuit including said county shall attend said county court, either in person or by deputy, and prosecute for the State all causes therein, and for so doing he shall receive the same fees as for similar services in the circuit court, to be collected and paid in the same manner.

Courts quarterly.

SEC. 10. *Be it further enacted*, That the terms of the county court for the county of Jackson shall be held quarterly at the court house for said county, commencing on the first Monday in January, the first Monday in April, the first Monday in July, and the first Monday in October, and each term may continue until the business is disposed of.

Fees of Judge and county clerk.

SEC. 11. *Be it further enacted*, That the compensation of the judge of the county court, and the clerk of the circuit court, for services therein rendered, shall remain as now fixed by law. It shall be within the discretion of the judge of said court to appoint any one or more than one of said quarterly terms of said court, as the term to which the jurors shall be summoned for the trial of jury cases pending in said court. There shall not be more than two jury terms during any one year.

Approved February 9, 1881.

No. 189.]

AN ACT

[H. B. 634.]

To authorize the commissioners court of Lauderdale county to issue bonds to construct bridges in said county, and to pay and extend the debt of said county, created prior to the year 1875.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the court of county commissioners of Lauderdale county be, and the same is, authorized and empowered to issue bonds of said county, not to exceed in amount ten thousand dollars, to be used in the payment and extension of the debt of said county, created prior to the year 1875, and also for the purpose of constructing bridges in said county over Shoal Creek and such other streams as said court may deem best for the interest of said county; said bonds to bear interest at the rate of eight per cent., with coupons attached, payable to bearer annually, at the office of the county treasurer, and to be receivable for all county taxes from the holder or transferee. Said bonds shall not be sold or disposed of for less than their par value. County commissioners can issue bonds to amount of \$10,000.

SEC. 2. *Be it further enacted,* That said bonds may be issued in sums of not more than one hundred dollars. They shall be signed by the judge of probate, and countersigned by the treasurer of said county, and have the county seal attached to each. The coupons shall also be signed by the judge of probate, and countersigned by the county treasurer, and numbered by the judge of probate, who shall keep a correct account of all bonds issued and disposed of under this act; said bonds shall be made payable at such times as the commissioners court may agree upon, not to exceed ten years from date of their issuance, may be transferred, by delivery, as negotiable paper, and shall be redeemable at the county treasury on maturity. How they shall be signed.

Approved February 26, 1881.

To authorize and empower the court of county commissioners of Lee county, to settle the bonded indebtedness issued for or on account of stock subscribed to the Savannah and Memphis Railroad Company, and the Eufaula, Opelika, Oxford and Guntersville Railroad Company.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the commissioners court of Lee county are hereby authorized and empowered to settle the bonded indebtedness of said county, issued for or on account of the stock subscribed to the Savannah and Memphis railroad company, and the Eufaula, Opelika, Oxford and Guntersville railroad company, by purchasing said indebtedness, whether the same be evidenced by bonds, coupons or judgments, upon such terms as the said court of county commissioners and the holders or owners of such indebtedness, may agree upon.

County com-
missioners au-
thorized as to
certain indebt-
edness on ac-
count of rail-
road.

SEC. 2. *Be it further enacted,* That in order to make the purchase or purchases hereinbefore described, the said court of county commissioners of Lee county are hereby authorized to borrow the sum of sixty thousand dollars, or so much thereof as may be necessary, from time to time, to meet said purchase, at a rate of interest not to exceed seven per cent. per annum.

How said bor-
rowed money
shall be pay-
able.

SEC. 3. *Be it further enacted,* That whenever any purchase of railroad indebtedness shall have been made, and any money borrowed to pay for the same, the amount so borrowed shall be divided into three annual installments, the first part or installment of which shall become due and payable on the first day of January next succeeding the date of such loan, and the other installment falling due successively on the first day of January of each succeeding year, until all are due; and it shall be the duty of said court of county commissioners to have prepared, and issue to such persons as may loan said money, certificates, or bonds of indebtedness, in sums not less than two dollars nor more than one hundred dollars, to the full amount of the sum so loaned, which certificates or bonds shall bear interest at a rate not exceeding seven per cent. per annum,

payable annually on the first day of January. Said certificates or bonds of indebtedness shall be signed by the probate judge and treasurer of said county; *Provided*, That the entire amount of certificates or bonds so issued shall not exceed the sum of sixty thousand dollars in the aggregate; *And provided further*, That not more than two thousand dollars of said certificates or bonds shall be delivered to any creditor until bonds or coupons shall be surrendered, or judgments satisfied representing amounts of original indebtedness, bearing the same proportion to the certificates or bonds issued that the whole amount of the original bonded debt, with interest to time of purchase, bears to sixty thousand dollars; *And provided further*, That no certificate or bond issued under the provisions of this act shall be given, sold, used or hypothecated for less than its face value.

SEC. 4. *Be it further enacted*, That the certificates or bonds of indebtedness, or the interest as it matures thereon, issued under the provisions of this act shall be transferable by delivery, and shall be received for all taxes or dues to said county for the year immediately preceding their maturity, or for taxes or dues accruing after the maturity of said certificates or bonds, or the interest maturing thereon.

SEC. 5. *Be it further enacted*, That it shall be the duty of said court of county commissioners, and they are hereby required to levy annually a special tax, not to exceed the rate authorized by the constitution and laws of this State, upon the assessed value of all the real and personal property subject to taxation in said county, to be collected as and in the same manner provided by law for the collection of State and county taxes, all special or local laws to the contrary notwithstanding, for the payment of said certificates or bonds as they may fall due, or the interest thereon as it may mature; and all the money arising from such tax shall be kept separate from all other moneys by the county treasurer of said county, and shall be applied and used exclusively for the payment of such certificates or bonds and the interest thereon, and if in any year there remains in the county treasury any balance of money arising from such tax, after the payment of all the certificates or bonds which have become due, and the

Bonds or certificates transferable by delivery and receivable for taxes.

An additional tax levy authorized.

interest which may have matured on any of said certificates or bonds, the court of county commissioners may use the same in buying, at such discount as they may be able to obtain, other of said certificates, or bonds which have not matured.

A register to be kept of all bonds or certificates.

SEC. 6. *Be it further enacted*, That said court of county commissioners shall cause a register to be made and kept of all the certificates or bonds which may be issued under the provisions of this act, showing the number, amount, date of issuance, and maturity of each one, and to whom issued; and when any of said certificates or bonds shall have been paid, an entry to such effect, and showing date of payment, shall be made on such register. Said court shall also provide for the cancellation or destruction of all the bonds and coupons which may be purchased under the provisions of this act, and shall cause a record of the same, showing number and amount of bonds and coupons so cancelled or destroyed, and the date of such cancellation or destruction, to be made and entered on the minutes of said court.

No validity to outstanding bonds conferred by this Act.

SEC. 7. *Be it further enacted*, That nothing in this act shall be so construed as to give validity to any bonds or other evidences of indebtedness referred to, but the same shall stand upon their relative merits, the same as if this act had not been passed.

Approved February 28, 1881.

No. 191.]

AN ACT

[s. 279.

To amend section 15 of "An act to establish a new charter for the town of Athens, in the county of Limestone," approved March 8, 1871.

Mayor and council have power to declare and prevent nuisances; to prevent introduction of malarious diseases; to erect necessary public buildings.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 15 of "An act to establish a new charter for the town of Athens, in the county of Limestone," approved March 8, 1871, be, and the same is, hereby amended so as to read as follows: Section 15. *Be it further enacted*, That the said mayor and council shall have power and authority to declare, prevent and remove nuisances; to prevent the introduction of con-

tagious or infectious diseases within the town, and to provide places for the reception of the sick; to erect a calaboose, hospital, town hall, and any other buildings or works necessary or expedient for the use of the town, or join with the county of Limestone in any such erections, by contracts made with the proper authorities of the county; or to acquire by lease, purchase, or in any other way, the use of houses or buildings for any purposes necessary or convenient for said town; to establish night watches; to license and regulate the wholesaling and retailing, either or both, of spirituous, vinous or malt liquors in the corporate limits; to fix the prices for such licenses, and to provide for annulling and revoking such licenses upon good cause shown; to close up wholesale and retail liquor establishments for such time as they deem necessary; and to prohibit the wholesaling and retailing of spirituous, vinous or malt liquors within the corporate limits, whenever they deem it expedient; to erect and repair bridges; to construct drains and sewers and keep them in repair; to establish a fire company, if they deem it expedient, and to provide for the prevention and extinguishment of fires; to regulate partition fences and to determine by whom they are to be kept in repair; to prohibit and disperse all unlawful and disorderly assemblies; to license and regulate hawkers, peddlers, and transient vendors, of any kind or description of goods, wares and merchandise whatsoever, whether manufactured within this State or not, and to fix the prices and periods of such licenses at discretion, and to amend and revoke such licenses upon good cause being shown; to license, restrain and regulate theatrical and other exhibitions for money, and also lectures and concerts for pay, except lectures, vocal concerts and festivals for charitable purposes; to license and regulate hackney coaches, hacks, carts, wagons and drays, running for hire within the corporate limits; to license auctioneers by the day or days, week, month or months, or for one year, between auctioneers selling different wares; to license and regulate pawn brokers, commission merchants, and the keepers of bowling alleys and billiard rooms; to fix the prices on all licenses granted by the corporation, and provide for the collection of the same, by fine and imprisonment, either or both, for each day

To establish police; to license certain business or occupation.

To establish and regulate markets. a business vocation or employment requiring a license is engaged in or carried on without such license; to restrain and prohibit gambling and gaming houses, and houses of ill fame; to establish and regulate markets and to prohibit the sale of meat, poultry, fish or game except at the public market or markets; to preserve, manage and regulate all cemeteries, and burying grounds belonging to the corporation, and to remove them, and to establish, regulate and manage new ones; To control cemeteries. to sink and keep in repair public wells; to prohibit and punish violations of the Sabbath; to prevent and regulate stock of any kind running at large in the streets or alleys of said town; to regulate the fencing and enclosing of any vacant lot in said town; to cause to be taken, from time to time, a census of said town; to keep and repair the streets, alleys and avenues of said town; to discontinue and close them when expedient; Keep streets and sidewalks in repair. *Provided*, That no street or alley shall be closed where property bordering thereon has been improved, if said improved property be thereby affected injuriously; to widen them and change their directions, and to open new ones; to regulate weights and measures; to purchase all such real estate and personal property as may be deemed necessary or proper for the use, improvement or convenience of the town, and to provide for the payment for the same; to pave, gravel or otherwise improve any street or side walk, and by draining, ditching and sewers to prevent water from accumulating or standing in the streets, alleys and lots of said town, and to provide means therefor by special assessments, and to collect and enforce such assessments as other taxes; To punish riots, affrays, &c. to prohibit and punish riots and affrays, assaults and batteries, and all other breaches of the peace and misdemeanors; to provide for the punishment by fine, or by fine and imprisonment, or by imprisonment, or by work on the streets, or other work for the town, for any breach of the by-laws or ordinances of the corporation, but no fine shall exceed fifty dollars, and no imprisonment or work on the streets, or other work for the town, shall exceed fifteen days; and also to provide, in cases where fine and costs are not paid by the party convicted, that the party so in default shall work out said fine and costs under the direction of the town officer; and power and authority

to do and perform these several and various acts and functions they may exercise as herein, and to the extent herein granted, any general law of the State to the contrary notwithstanding; and they shall also have power to pass all such laws, by-laws and ordinances as may be necessary and proper to execute the powers in this charter granted, not in excess of the powers so granted, and not contrary to the constitution of the State, or the restrictions in this act expressed; *Provided*, That said mayor and council shall not have power to license the sale of vinous, spirituous or malt liquors in any quantity, for a time for and in which any general or special law prohibiting such sale in the county of Limestone is in force.

Approved March 1, 1881.

No. 192.]

AN ACT

[H. B. 162.]

To prohibit the sale, or giving away, of spirituous, vinous or malt liquors in Lowndes county, except in incorporated towns and cities.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the first day of January, 1882, it shall not be lawful to sell, or keep on sale, in the county of Lowndes, in the State of Alabama, any spirituous, vinous, or malt liquors, nor to give the same away at any place where other things, or merchandise, are kept for sale, or at any other public house or place where people resort, within said county of Lowndes; and any person who is guilty of the same shall, upon conviction, be punished for each and every violation of this act by a fine of not less than fifty nor more than five hundred dollars, and may be imprisoned in the county jail for not more than six months, one or both, at the discretion of the jury trying the case; *Provided*, That this act shall not be operative within the limits of incorporated towns and cities in said county in which there exist regular town or city authorities, organized and in effective force for the preservation of peace and order within their limits; *Provided*, This act shall not

Sale of liquor
forbidden.

Proviso and
limitation.

take effect until the first day of January, 1882, nor shall the sale of wines made from grapes grown in Alabama, in quantities not less than one quart, be prohibited by this act.

Approved February 26, 1881.

No. 193.]

AN ACT

[H. B. 164.

To amend an act entitled "An act for the protection of plantations and lands against the depredations of stock in Lowndes county, Alabama," approved December 31, 1868.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That an act entitled "An act for the protection of plantations and lands in Lowndes county, Alabama," approved Dec. 31, 1868, be, and the same is, hereby amended so as to read as follows, to-wit: That hereafter all that part of Lowndes county now embraced in Brooks' beat, and all that part of Gordonsville lying within the forks of Panther and Big Swamp creeks, together with all that part of said county now embraced in the provisions of the said act of which this act is amendatory, and to the exclusion of such parts as have by subsequent legislation been excluded from the provisions of said act of 31st December, 1868, it shall not be lawful for the owner of any horse, mule, cow, hog, sheep, goat, or any other animal, voluntarily to permit such animal to go at large off the premises of said owner, and the owner of any such animal so permitted to go at large shall be liable to the party injured for all damages done to the lands or crop of any person in said county, to be recovered before any court of competent jurisdiction, and the judgment of the court shall be a lien on the stock causing the same.

How person
damaged by
stock at large
on his premises
can proceed
against owner
of the stock.

SEC. 2. *Be it further enacted,* That any person in said portions of said county, who is the owner or lawfully in the possession of any land, or his agent, on which there is growing or planted, or has been grown during the year, a crop of any kind, shall have the right to take possession of any animal, if found at large or uncontrolled on the premises of such person, and

when so taken up, such person so taking up such animal shall forthwith notify personally, or by leaving a written notice at the usual place of residence of the owner of such animal, or his agent, or at the place of residence of the nearest justice of the peace of the same, within twenty-four hours after the taking up of such animal.

SEC. 3. *Be it further enacted*, That if any person taking up any such animal on his premises, shall take such animal off his premises before he shall have personally, or in writing, by himself or agent, notified either the owner thereof, or the nearest justice of the peace, of the same event, he shall be guilty of a misdemeanor, and be fined in a sum not exceeding two hundred dollars.

What notice required, and penalty for not giving it before removing stock.

SEC. 4. *Be it further enacted*, That it shall be the duty of any person, or his agent, taking up any animal as in section two (2) of this act, to make affidavit before the justice of the peace, either that he knows the owner, or that he does not know the owner, thereof; and if the former affidavit is made, then the said justice of the peace shall issue a notice to the owner of the same, or his agent, which notice shall be served on the owner, or his agent, or left at his usual place of residence, either by the person taking up such animal or by the constable of the beat, or by some other person appointed by the said justice for that purpose, as the justice may order, and upon application, as his agent, the justice of the peace shall give him an order for the property; he first paying to the justice his fees, and the fees hereinafter named for taking up and keeping such animal; *Provided*, That the owner, or his agent, shall have the right to the order without paying any fees for taking up or keeping such animal, if he files with the justice an affidavit setting forth any fact showing that the person had no right under this act to take up such animal, and if the taker-up makes affidavit that the owner of such animal is not known, then such person shall proceed in accordance with the laws provided in case of estrays, and no fee shall be charged either by the justice of the peace, or constable, for the affidavit and serving notice, either to the taker-up or the owner of such animal.

Affidavit before justice of the peace.

SEC. 5. *Be it further enacted*, That when the owner

If stock given
up to owner
what person
damaged can
do to obtain
his fees, &c.

makes affidavit and procures an order, as in section four (4), for his animal, the taker-up shall deliver to the owner, or his agent, said animal in accordance with such order, and may then, if the fees for taking up and keeping such animal have not been already paid, have the right to sue for and recover such fees for taking up and keeping such animal, from the owner thereof, in any court of competent jurisdiction; if the judge or justice, before whom the case is tried, is satisfied of the justice of said claim according to the provisions of this act, under the same rules and regulations as is applied to the trial of civil causes in said courts, and the judgment rendered shall be a lien on the property doing the damage, or those going at large; *Provided*, If the owner, or his agent, shall not claim as aforesaid his animal in ten days after he or the justice of the peace is notified of the taking up of such animal, then the same shall be sold, after giving five days notice by posting in three public places in the beat, and out of the proceeds pay the expenses of sale and taking-up damages due to taker-up, and the balance to be paid to owner of said animal.

What fees are
allowed

SEC. 6. *Be it further enacted*, That for taking and keeping, the following fees shall be allowed, for the use of the person taking up, viz: For taking up each horse, mule, or ass, fifty cents; for taking up each head of cattle, twenty-five cents; for taking up each hog, sheep, or goat, fifteen cents; one half of the above sum for every day each of such animals is kept by the taker-up; *And provided*, The taker-up, or his agent, shall not be liable for injuries to animals or for escapes, except in cases of willful neglect, or when such damages were intended.

Judgment,
when and how
rendered.

SEC. 7. *Be it further enacted*, That judgments may be rendered by justices of the peace for amounts within their jurisdiction, on ten days notice to defendants, and execution may issue thereon, after five days from rendition; and the justice of the peace of the beat where the damages are done by any animal, or where the fees for taking up and keeping such animal are incurred, shall also have jurisdiction in such cases, notwithstanding the defendant may live in another beat or another county, and for any amount not exceeding fifty dollars; *Provided*, That when there is no justice

of the peace residing in such beat, or where the justice in such beat is disqualified, by interest, or any other lawful cause, then any justice of the peace in any adjoining beat, or in any beat in the county, has jurisdiction of such case in accordance with the provisions of this act.

SEC. 8. *Be it further enacted*, That the right of appeal shall be had in all cases, as in other civil causes, and that liens shall be lost under the provisions of this law, unless the plaintiffs in such judgments proceed without delay to enforce such liens by all lawful means; *Provided*, That all stock be allowed to run at large in Letohatchie beat, except in south half of section one (1), and sections eleven (11) and twelve (12) from the 1st of December to the 1st of April, except hogs, which shall be allowed to run at large between the 1st of December and the 15th of February.

SEC. 9. *Be it further enacted*, That the provisions of this act shall not apply to that part of Lowndes county embraced within the limits of any incorporated town or village, nor within two miles from the corporate limits of any incorporated town or village in said county, and the exceptions in this section shall not be so construed as to allow the animals of any person, embraced or excepted in this section, or in any other county of this State, to go at large in the other portions of Lowndes county. Exceptions.

Approved March 1, 1881.

No. 194.]

AN ACT

[H. B. 821.]

To prohibit the manufacture or sale of spirituous, vinous, and malt liquors within the limits of Macon county, Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That after the thirty-first day of December, eighteen hundred and eighty-one, it shall be unlawful for any person to manufacture or to sell, directly or indirectly, in any quantity, within the limits of the county of Macon, Alabama, any spirituous, vinous, or malt liquors, and any person who shall violate the pro-

visions of this act shall be guilty of a misdemeanor, and, on conviction thereof, shall, for each offense, be fined not less than fifty nor more than five hundred dollars, and may also be imprisoned in the county jail or sentenced to hard labor for the county, for not longer than six months; *Provided*, That the provisions of this act shall not affect the manufacture and sale by the manufacturer, in quantities not less than one quart, of domestic wine made of Alabama grown grapes, to which no spirituous liquor has been added in the making thereof or after the same has been made.

Approved February 26, 1881.

No. 195.]

AN ACT

[H. B. 336.]

To prescribe the manner in which claims against the fine and forfeiture fund of Macon county shall be paid.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That all claims against the fine and forfeiture fund of Macon county shall be registered by the county treasurer of said county, as they are presented, and shall be paid in the order of their registration, without discrimination, and the provisions of this act shall apply to claims already registered, as well as those hereafter to be registered.

SEC. 2. *Be it further enacted*, That all laws in conflict with this act are hereby repealed.

Approved March 1, 1881.

No. 196.]

AN ACT

[S. 52.]

To repeal "An act to provide for an additional term of the circuit court for Madison county."

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act entitled "An act to provide for an additional term of the circuit court for Madison

county," approved February 25, 1875, be, and the same is, hereby repealed.

Approved December 6, 1880.

No. 197.]

AN ACT

[H. B. 228.]

To require the county treasurer of Madison county to pay over certain funds therein designated.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That whenever money to which parties holding claims against the fine and forfeiture fund of Madison county, are, or shall hereafter be entitled, in the order of payment of registered claims, shall have remained uncalled for for two years, the treasurer shall pay over said money to the parties whose claims are next entitled to payment under existing laws.

SEC. 2. *Be it further enacted,* That all laws and parts of laws in conflict with this act are hereby repealed.

Approved December 8, 1880.

No. 198.]

AN ACT

[H. B. 640.]

To further regulate the trial of misdemeanors in Madison county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the terms of the county court of Madison county shall be held quarterly, at the court house of said county, beginning on the third Monday in January, the third Monday in April, the third Monday in July, and the third Monday in October, and each term may continue until the business is disposed of.

County court quarterly.

SEC. 2. *Be it further enacted,* That the presiding judge of the circuit court, at each succeeding term, shall enter on the minutes of his court on the day of adjournment an order requiring the clerk of the circuit court to deliver to the judge of the county court of said county, all indictments presented or filed in the circuit court, and not finally disposed of, against per-

Indictments for misdemeanors to be delivered to probate judge for trial.

sons charged with the commission of misdemeanors, except indictments against such persons as the judge of the county court, by reason of relationship or for any other cause, shall be incompetent to try, and after the making of such order the jurisdiction of the circuit court shall cease, and exclusive jurisdiction shall vest in the county court; but where causes which the judge of the county court is incompetent to try shall have been improperly transferred, they shall be returned to the clerk of the circuit court for trial.

Approved February 26, 1881.

No. 199.]

AN ACT

[H. B. 503.]

To authorize the commissioners court of Madison county to cause the county treasurer to refund certain excess of license tax paid under the revenue act approved March 19, 1875.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the commisssoners court of Madison county be, and are, hereby authorized to cause to be refunded, by order on the county treasurer, to parties who paid under the law in force prior to the passage of said act of March 19, 1875, a greater amount for license than was required by said act, the difference between the price of license as imposed by the law of March 19, 1875, and that in force on the first day of January preceding, which was paid into the county treasury for the use of the county.

Approved February 26, 1881.

No. 200.]

AN ACT

[s. 250.]

To require the criminal docket of the circuit court of Madison county to be taken up on Monday of the third week of the session thereof, at the fall and spring terms.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the criminal docket of the circuit court of Madison county shall be taken up on Monday of the third week of the fall and spring terms thereof.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with this act be, and the same are, hereby repealed.

Approved March 1, 1881.

No. 201.]

AN ACT

[H. B. 94.]

To repeal "An act to consolidate the fund of fines and forfeitures and the general fund of the county of Marengo," approved February 13, 1871.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That "An act to consolidate the fund of fines and forfeitures and the general fund of the county of Marengo," approved February 13, 1871, be, and the same is, hereby repealed; *Provided*, That this act shall not apply to any certificates issued to State witnesses before its passage, or to any fees accruing to officers for services rendered before such passage, but such certificates and claims for such fees shall, if otherwise valid, be paid out of the general fund of said county.

Approved November 29, 1880.

To amend an act entitled "An act for the preservation of game animals and birds in the counties of Mobile, Monroe, Marengo, Baldwin, Dallas, Lowndes, Hale, Montgomery, Clarke, Greene, Wilcox, Pike, Talladega, Pickens, Bibb, Autauga, Chilton, Clay and Jefferson," approved February 13, 1879, so far as such act applies to the county of Marengo.

Act amended
as to Marengo
county.

SECTION 1. *Be it enacted by the General Assembly of Alabama.* That an act entitled "An act for the preservation of game animals and birds in the counties of Mobile, Monroe, Marengo, Baldwin, Dallas, Lowndes, Hale, Montgomery, Clarke, Greene, Wilcox, Pike, Talladega, Pickens, Bibb, Autauga, Chilton, Clay and Jefferson," approved February 13, 1879, so far as such act applies to the county of Marengo, be, and the same is, hereby amended as follows, to-wit: That it shall be unlawful to catch, kill or injure, or pursue with such intent, within the county of Marengo, any quail, commonly called partridge, between the first day of April and first day of October.

Unlawful to
destroy nests
of wild birds:
exceptions.

SEC. 2. *Be it further enacted,* That it shall be unlawful to rob, or destroy, the nest of any wild bird in said county of Marengo, excepting the nests of crows, black birds, jay birds, hawks, owls and other birds of prey.

Penalty for dis-
turbing certain
birds between
April and Oc-
tober.

SEC. 3. *Be it further enacted,* That if any person shall be found with any quail, commonly called partridge, between the first day of April and the first day of October, or the eggs of wild birds other than crows, black birds, jay birds, hawks, owls and other birds of prey, in his or her possession, it shall be *prima facie* evidence that such person is guilty of a violation of the provisions of this act, and the burden of proof to the contrary shall be thrown on such person.

SEC. 4. *Be it further enacted,* That any person violating any of the provisions of this act shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than ten nor more than twenty dollars for every such violation.

SEC. 5. *Be it further enacted,* That any violations of any kind of the provisions of this act may be pros-

ecuted before any justice of the peace of said county, or any other officer or court thereof having jurisdiction to try any misdemeanor, and one-half of the fine imposed shall go to the common school fund of said county, and the other half to the informer of such offense; *Provided*, That such informer shall be a competent witness on the trial of any cause for such violation.

SEC. 6. *Be it further enacted*, That any judgment rendered against any person, for any violation of any provision of this act, shall be enforced in like manner as in other cases of misdemeanor, and the defendant shall have the right of appeal, under the same rules and regulations as now provided by law in other cases of misdemeanor.

SEC. 7. *Be it further enacted*, That the provisions of said act entitled "An act for the protection of game animals and birds in the counties of Mobile, Monroe, Marengo, Baldwin, Dallas, Lowndes, Hale, Montgomery, Clarke, Greene, Wilcox, Pike, Talladega, Pickens, Bibb, Autauga, Chilton, Clay and Jefferson," approved February 13, 1879, so far as the same applies to the county of Marengo, be, and the same is, hereby repealed.

SEC. 8. *Be it further enacted*, That this act shall be in force and take effect from the date of the passage thereof.

Approved February 23, 1881.

No. 203.]

AN ACT

[H. B. 795..

To authorize the people of Marion county to vote on the question of locating the county seat of said county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That in order to permanently locate the seat of justice in the county of Marion, it shall be the duty of the sheriff of said county to open and hold an election in the several election precincts in said county on the third Monday in April, 1881. The inspectors and other officers, holding and returning said election, shall be appointed in the same manner, and by the

Election to be held 3d Monday in April, 1881.

same parties, as in the case of general elections. All persons entitled to vote for representatives in the General Assembly of Alabama, shall be entitled to vote at said election. The said election shall be conducted under the same rules which govern general elections in this State.

Duty of commissioners as to selecting places to be balloted for.

SEC. 2. *Be it further enacted*, That to carry into effect the provisions of this act, it shall be the duty of the probate judge to call a meeting of the commissioners court, which meeting shall be held at Tollgate, in said county of Marion; said meeting shall be held as soon as practicable after the passage of this act; it shall be the duty of said commissioners to locate two suitable places, one of which shall be the present site, at the centre of said county, as the same was located under the provisions of the act "To authorize the people of Marion county to vote on the question of removing the court house of said county, and to permanently locate the same," approved February 6, 1879; and the other shall be Tollgate, or the nearest suitable place thereto, and report to the sheriff forthwith what site they have selected. It shall be the duty of said sheriff to give at least thirty days notice of said election, by posting a notice in two or more public places in each of the election precincts in said county, setting out in each of said notices the places to be voted for, and the day on which said election is to be held.

Time of opening and closing polls.

SEC. 3. *Be it further enacted*, That said commissioners shall fill the places of any of their number who may be absent from such meeting, from among the bystanders. The polls of said election shall be opened by the hour of 9 o'clock, A. M., at the several election precincts in said county, and shall remain open till the hour of 5 o'clock, P. M.; each voter in favor of Centre shall write, or have printed, on his ticket "Centre;" and each voter in favor of Tollgate, shall write, or have printed, on his ticket "Tollgate." The said election shall be conducted under the same laws, and be governed by the same rules, except as herein directed, as govern general elections in this State.

SEC. 4. *Be it further enacted*, That the returning officers and inspectors of said election, at the several election precincts, shall hold, make returns, and do all things required by the general election laws of this

State; and the supervisors of said county shall proceed, as in case of general elections, to carefully count and compare the votes as returned from the several election precincts, and when the votes are counted and compared, the sheriff shall make publication of the vote thus ascertained; and the county commissioners, as soon thereafter as practicable, proceed to make all necessary provisions to erect at the county seat, which may have been selected, a court house, jail, and other public buildings that may be necessary for county purposes; *Provided*, That the seat of justice shall be, and remain, at the town of Pikeville, until the court house and jail are completed, then the records, &c., of the county shall be removed from Pikeville.

Duty of inspectors and returning officers, and publication of result by sheriff.

SEC. 5. *Be it further enacted*, That said county commissioners, as early as practicable after the selection of said county seat, proceed to lay off, in lots of suitable size, all lands that may be donated to the county of Marion, and after first reserving therefrom whatever that may be requisite to erect thereon the court house, jail, and other public buildings necessary for county purposes, and to sell said lots, or as many thereof as they may deem expedient, at public sale, upon such terms as they may deem best, and make proper conveyances to purchasers thereof. Said commissioners shall give at least twenty days notice of the time, place, and terms of said sale, by posting written notices at one or more public places in each of the election precincts, in said county; and they are hereby authorized to adjourn said sales from time to time, for want of bidders, or if, in their judgment, the prices bid for said lots are not adequate, and said commissioners are hereby authorized to dispose of, at public sale as provided for in this section, any lots, buildings, or other property belonging to said county of Marion, situated at the town of Pikeville, in said county.

Disposition of lots donated to the county, and manner of sale.

SEC. 6. *Be it further enacted*. That the court of county commissioners shall be hereby authorized, if necessary, to levy and collect an additional tax on the taxable property of said county, for the purpose of purchasing suitable sites for the court house and jail, and other buildings, necessary for said county, and the building of the same on such location, the deeds to which must be made to the county of Marion; *Provided*,

Additional tax authorized.

The tax herein authorized shall not exceed fifty per centum on the State tax in any one year. The commissioners court shall have the right to let out the erection of said buildings separately, after giving notice of their intention to do so at least twenty days, by posting written or printed notice in not less than five public places in said county.

Certain money
to be used alone
for public
buildings.

SEC. 7. *Be it further enacted*, That the proceeds of all sales provided for by the provisions of this act, and the taxes herein authorized to be levied and collected, shall be applied exclusively to defraying the expenses of erecting the court house and jail, and other public buildings, until the same are completed.

Penalty for
failure of officer
to discharge
duties under
this Act.

SEC. 8. *Be it further enacted*, That any officer failing to discharge the duties required of him by the provisions of this act shall forfeit to the county not less than three hundred nor more than five hundred dollars, to be recovered before any court of competent jurisdiction; *Provided*, Said officer shall have ten days notice of such proceedings.

SEC. 9. *Be it further enacted*, That if, for any reason, an election shall not be held as provided for in the first section of this act, said election shall be held on the third Monday in May, 1881.

SEC. 10. *Be it further enacted*, That this act shall take effect from and after its passage.

Approved February 26, 1881.

No. 204.]

AN ACT

[H. B. 135.]

To repeal "An act to regulate the fine and forfeiture fund of the counties of Bibb, Fayette, Marion and Blount," approved February 8, 1877, so far as the same relates to the county of Marion.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act entitled "An act to regulate the fine and forfeiture fund of the counties of Bibb, Fayette, Marion and Blount," so far as the same relates to the county of Marion, be, and the same is, hereby repealed.

Approved February 28, 1881.

No. 205.]

AN ACT

[H. B. 137.]

To amend section 5034 of the Code of Alabama, so far as Marion county is concerned.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 5034 of the Code of Alabama be amended so as to read as follows:

§ 5034 (3521). *Fees of constables.*—Constables are allowed the following fees: For serving summons in civil cases, 75 cents; for summoning each witness, 40 cents; for levying an attachment for less than fifty dollars, \$1.00; for levying an attachment for more than fifty dollars, \$1.25; for levying execution for less than fifty dollars, \$1.00; for levying execution for more than fifty dollars, \$1.25; for making money on execution, two per cent. on the amount collected, but in no case less than 50 cents; for serving notice on each party therein named, 50 cents; for serving *scire facias*, or notice in the nature thereof, 75 cents; for taking bail, or other bond required by law, 75 cents; for keeping property levied on, such sum as the justice of the peace may order, to be paid out of the money in the hands of the constable arising from the sale; for services in cases of arbitration under the Code, the customary fees for executing subpoenas, which must be paid jointly by the parties, unless the arbitrators otherwise determine; for services in forcible entry and detainer, and in unlawful detainer, the same fees as in other cases; for executing *venire facias*, on each party therein named, 50 cents; for collecting in garnishment, insolvent or defaulting tax payers, same as in other cases. This bill is to apply only to Marion county.

Approved March 1, 1881.

No. 206.]

AN ACT

[s. 48.]

To regulate the purchase or sale of loose or lint cotton in the county of Mobile.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That it shall be unlawful for any person to sell and deliver, or purchase and receive, loose or lint cotton within the county of Mobile, unless the same is packed in merchantable bales, or light weight bales, which have been received by merchants in due course of trade; *Provided*, The provisions of this act shall not apply to the sale of cotton batting or cotton packing, by regular merchants, druggists, or apothecaries; nor to sales of loose or lint cotton regularly advertised for sale at public outcry; nor to judicial sales.

SEC. 2. *Be it further enacted*, That any one who violates the provisions of this act shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than ten nor more than one hundred dollars, and may also be imprisoned in the county jail or sentenced to hard labor for the county for not exceeding six months.

Approved December 8, 1880.

No. 207.]

AN ACT

[s. 425.]

To amend section nine of "An act to regulate the handling, storing and sale of cotton in Mobile, and to protect such cotton from depredation," approved February 13, 1879.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section nine (9) of "An act to regulate the handling, storing and sale of cotton in Mobile, and to protect such cotton from depredation," approved February 13, 1879, be so amended as to read as follows: Section 9. Cotton when sold shall be turned down for examination and classification in such press or warehouse as the buyer may designate, the seller consenting thereto; when cotton is ready for delivery by the press or warehouse, when stored (and is to be removed), and such removal does not take place within two days,

the buyer shall pay such original press or warehouse twenty-five cents per bale storage; and all cotton shall be received within four days from and after the day of sale, Sundays only excepted, and if not received within that time, the seller shall have the right to demand payment of the approximate value of the cotton, and may, after giving due notice in writing to the buyer, proceed to have the cotton weighed and to demand payment in accordance with such weight and agreed price, and in default of prompt payment, the seller shall then have the right to re-sell the cotton for account of the buyer.

Approved February 24, 1881.

No. 208.]

AN ACT

[H. B. 648.

To amend an act entitled "An act to establish an inferior court of criminal jurisdiction for the county of Mobile, and to define the jurisdiction of said court and the criminal jurisdiction of the justices of the peace in said county."

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the inferior court of criminal jurisdiction for the county of Mobile, heretofore established by the act entitled "An act to establish an inferior court of criminal jurisdiction for the county of Mobile, and to define the jurisdiction of said court, and the criminal jurisdiction of the justices of the peace in said county," approved February 12, 1879, shall be called and known as "The Inferior Criminal Court of Mobile."

Name of court.

SEC. 2. *Be it further enacted*, That section 4 of said act be, and the same is, hereby amended so as to read as follows: That the said criminal justice shall be a magistrate and conservator of the peace, with all the powers of a magistrate and conservator of the peace which are, or may be, by law conferred on justices of the peace within said county. He shall have original jurisdiction, concurrent with the city court, in all cases of misdemeanor occurring in said county, (except violations of revenue laws, and laws respecting lotteries,

Section 4 of original Act establishing court amended; powers of the criminal justice.

gaining, and selling, or giving away of liquors, and for malfeasance or misfeasance in office.) He shall have power to imprison or sentence to hard labor the defendant for non-payment of fine and costs, as is possessed by the circuit or city courts of this State.

Defendants' right to appeal to city court.

SEC. 3. *Be it further enacted*, That in all cases tried before said criminal justice, the defendant shall have the right to appeal to the next ensuing term of the city court of the county, on entering into bond with good securities in such sum as the justice may require, conditioned that he will appear at the court to which the appeal is taken, from term to term, and from day to day, until discharged by due course of law, and will pay, satisfy, abide by, and perform whatever judgment and sentence may be there rendered against him.

When court shall be opened and duty of solicitor of Mobile county.

SEC. 4. *Be it further enacted*, That section 12 of said act be amended so as to read as follows: That said court shall be open for the transaction of business at all times, except on Sundays and legal holidays, and it shall be the duty of the solicitor of Mobile county to appear and prosecute, in the name of the State, such offenses as may be tried before such criminal justice; *Provided*, That such solicitor need not attend unless specially requested by said criminal justice, and when said solicitor attends and prosecutes, and a conviction is had, and no appeal is taken therefrom, said solicitor shall be entitled to the same fee, and to be paid in the same way, upon the certificate of said criminal justice, as if the conviction was had in the city court of Mobile; *Provided*, That the amount of fees due the solicitor must be taxed as costs against the defendant, and if the costs are not presently paid, the said criminal justice shall sentence the defendant to hard labor, as empowered by the second section of this act; but in no case shall the said solicitor be entitled to a fee on conviction before said criminal justice when the defendant appeals and is tried *de novo* before the city court of said city.

Duties of sheriff as to process from the court and attendance.

SEC. 5. *Be it further enacted*, That section fourteen of said act be amended so as to read as follows: That the sheriff shall be requested to execute and serve all process issued from said court, and for so doing he shall be entitled to the same fees as are or may be allowed by law for the same services in the circuit or city courts, and to be paid in the same manner. It is the

duty of the sheriff, and he may be required when said court is in session, to attend upon the same, either in person or by deputy, to act as bailiff, and for such services he shall be entitled to two dollars per day, while in attendance, and such allowance to be paid at the end of each month out of the county treasury, on the certificate of said criminal justice; *Provided*, That any constable of the county may be required, or any police officer of the port of Mobile, or any other person may be deputed to execute any process from said court, whenever the same may be necessary. And when such constable, police officer or other person shall execute any such process, they shall be entitled to receive the same fees therefor which are by law allowed to constables for like services, and to be paid in the same manner as is provided for the payment of sheriff's fees in this act.

SEC. 6. *Be it further enacted*, That when such criminal justice is absent, or when any person brought before him charged with a criminal offense is related to him by consanguinity or affinity within the fourth degree, the president of the board of county commissioners shall appoint a competent attorney to act in the place of said criminal justice, and said attorney while so acting shall have all the power and authority of said criminal justice in the particular case before him.

In certain cases acting justice to be appointed by president of board of county commissioners.

SEC. 7. *Be it further enacted*, That in all cases before said criminal justice in which any bond, or recognizance, or bail is taken, and the same shall be forfeited, it shall be the duty of the said criminal justice to certify such bond or recognizance, and the forfeiture thereof to the next term of the city court of Mobile county, and said city court shall proceed to enforce such forfeiture in the same manner as if such bond or recognizance had been taken in said city court.

SEC. 8. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be, and the same are, hereby repealed.

Approved February 23, 1881.

No. 209.]

AN ACT

[s. 440.]

For the punishment of any person who may resist or oppose the harbor master of the port of Mobile, or his deputy, in the execution of the duties of their office.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That any person having charge of any ship or vessel who shall resist or oppose the harbor master of the port of Mobile, or his deputy, in the execution of the duties of said harbor master's office, shall be fined for every such offense a sum not exceeding fifty dollars, to be imposed by the president of the Mobile police board of the port of Mobile, acting as recorder of said port, and such fine shall be collected and paid over as is provided concerning other fines imposed by said officer.

SEC. 2. *Be it further enacted,* That all laws or parts of laws in conflict with the provisions of this act are hereby repealed.

Approved March 1, 1881.

No. 210.]

AN ACT

[H. B. 256.]

To prohibit the owner of any horse, mule, ass, cow, hog, sheep, or goat, from allowing any such animal to go at large off the premises of such owner in Montgomery county, except certain portions enumerated and defined herein, and to prescribe a rule of damages, and rules of practice in the trials of cases arising under this act.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That from and after the passage of this act it shall not be lawful for the owner of any horse, mule, ass, cow, hog, sheep, or goat, in that part of the county of Montgomery as hereinafter set forth, voluntarily to permit any such animal to go at large off the premises of such owner, and the owner of any such animal so permitted to go at large shall be liable to any party injured thereby for all damages done to the fruit or

Party allowing certain stock at large in limits prohibited liable for damage to person whose property is injured.

shade trees, ornamental shrubbery or crops, of any person or persons, to be recovered before any court of competent jurisdiction; and the judgment of the court when against the owner of any such stock so depredating, shall be a lien on the stock causing such injury, in addition to other liens which an execution issued on said judgment may have according to law.

SEC. 2. *Be it further enacted*, That any person in said county who is the owner or lawfully in the possession of any land, or his agent, on which there is growing or planted, or has been grown during the year, a crop of any kind, shall have the right to take possession of any animal named in the preceding section, if found at large and uncontrolled on the premises of such person, and when so taken up, such person or his agent so taking up such animal shall forthwith notify personally, or by leaving a written notice at the usual place of residence of the nearest justice of the peace in his beat of the same, or the owner of such animal, within twelve hours after the taking up.

What owner of premises on which stock is depredating can do.

SEC. 3. *Be it further enacted*, That any person taking up any such animal on his premises, who shall take such animal off his premises before he shall have, personally or by writing, by himself or by his agent, notified either the owner thereof, or the nearest justice of the peace, of the said taking up, he shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined in any sum not exceeding two hundred dollars.

Notice to owner required of taking up his stock.

SEC. 4. *Be it further enacted*, That it shall be the duty of any person, or his agent, taking up any animal, as in section two (2), to make affidavit before the justice of the peace, either that he knows the owner, or that he does not know the owner thereof, and if the former affidavit is made, then the said justice of the peace shall issue a notice to the owner of the same, or his agent, which notice shall be served on the owner, or his agent, or left at his usual place of residence, either by the person taking up such animal, or by the constable of the beat, or by some other person appointed by said justice for that purpose, and upon application by the owner, or his agent, the justice shall give him an order for his said property, he first paying to the justice his fees and the fees hereafter named, for taking up and keeping such animal; *Provided*, That

Proceedings before justice.

the owner, or his agent, shall have a right to said order without paying any fee for taking up and keeping such animal, if he files with the justice of the peace an affidavit setting forth any fact showing that the person had no right, under this act, to take up such animal; and if the taker-up makes affidavit that the owner of such animal is unknown, then such person shall proceed in accordance with the laws provided in the case of estrays, and no fee shall be charged by the justice of the peace or the constable for the affidavit and serving notice, either to the taker-up or the owner of such animal.

If owner obtain his stock how taker-up can proceed for his fees and costs.

SEC. 5. *Be it further enacted*, That when the owner makes affidavit and procures an order, as in section four (4), for his animal, the taker-up shall deliver to the owner, or his agent, said animal, in accordance with such order, and may then, if the fees for taking up and keeping such animal have not been paid, have the right to sue for and recover such fees for taking up and keeping such animal from the owner thereof, in any court of competent jurisdiction; if the judge or justice before whom the same is tried is satisfied of the justice of such claim, according to the provisions of this act, under the same rules and regulations as are applied to the trial of civil causes in said courts, judgment must be rendered in favor of the plaintiff for the amount of such fees for taking up and keeping such animal, and the judgment rendered shall be a lien on the animal or animals doing such damage; and if the amount of such judgment is not paid within ten days after the rendition of such judgment, together with the costs of the court trying the same, then the said stock or animals doing such damage shall be sold at public outcry, to satisfy such judgment and costs, by the sheriff or constable of such court, and without further order from such court.

If stock not claimed, proceedings as in case of an estray.

SEC. 6. *Be it further enacted*, That if the owner, or his agent, shall not claim his animal as aforesaid, in ten days after he, or the justice of the peace, is notified of the taking up of such animal, then the same shall be considered as an estray, and the taker-up, or his agent, shall proceed in relation thereto in the same manner as in the case of an estray.

SEC. 7. *Be it further enacted*, That for taking up

and keeping animals, under this act, the following fees shall be allowed: For taking up and keeping each horse, mule, or ass, \$1.00; for taking up and keeping each hog or cow, 50 cents; for taking up and keeping each goat or sheep, 25 cents, and one-half of the above sums for every day such animal or animals are kept by the taker-up; *Provided*, That young animals incapable of damaging crops shall not be charged for, and that the taker-up, or his agent, shall not be liable for injuries to animals, or for the escape thereof, except in cases of willful neglect, or where the damage is intended.

SEC. 8. *Be it further enacted*, That judgments may ^{Fees.} be rendered under this act by justices of the peace for amounts within their jurisdiction, after ten days notice to defendants, and the lien of such judgment may be enforced within the time and in the manner prescribed in section five (5) of this act, and the right of appeal shall be the same as in other civil cases.

SEC. 9. *Be it further enacted*, That the provisions of ^{Exception.} this act shall apply to all the territory of Montgomery county, except that portion within a circuit of two miles from the court house; *Provided*, That the provisions of this act shall not be operative from the first day of December till the first day of March each succeeding year.

SEC. 10. *Be it further enacted*, That all laws or parts of laws in conflict with the provisions of this act, so far as they may relate to the sections of Montgomery county as above described, be, and the same are, hereby repealed.

Approved December 8, 1880.

No 211.]

AN ACT

[H. B. 465.]

In relation to roads, bridges, county tools, and overseers of roads in Montgomery county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That at the next regular appointing of the ^{Overseers appointed by Board of Revenue.} overseers of roads for Montgomery county, and thereafter, such overseers shall be appointed by the board of revenue of said county.

SEC. 2. *Be it further enacted*, That any two over-

Two overseers
may unite.

seers, on the same road and adjoining each other, may unite their hands in working such road, irrespective of precinct or other lines; *Provided*, That no road hand shall be required to go beyond six miles from his residence.

Bridges.

SEC. 3. *Be it further enacted*, That it shall be the duty of all overseers of roads in said county to look after the bridges in their respective working distances, and to keep said bridges in good order, when the same can be done by the road hands, otherwise, to report the condition of such bridge or bridges to the board of revenue of said county.

SEC. 4. *Be it further enacted*, That whenever a bridge is situated between two overseers, each overseer shall keep the one-half of the bridge, adjoining that part of the road apportioned to him, in good order.

Tools.

SEC. 5. *Be it further enacted*, That whenever said board of revenue shall furnish any kind of tools for working the roads of said county, the custody of such tools shall be in the overseer to whom they are delivered, and such overseer shall be accountable for the safe keeping thereof, or the disposal of the same as shall be directed by said board of revenue, and such tools shall only be used under the direction of said overseer whilst working the road; and any other person with whom said tools shall be found or used, except when working the road, shall be fined the sum of ten dollars, by any justice of the peace in the precinct of said person, one-half of said fine to the informer, and the other half for the use of the county, and in default of the payment of the fine and costs, the offender to be imprisoned not less than ten days.

Fine for crossing a bridge
faster than in a
walk.

SEC. 6. *Be it further enacted*, That it shall be unlawful for any person, passing over any bridge over twenty (20) feet long built by said county, or any line bridge between said county and an adjacent county, built by such counties, to travel either horse back or with team over such bridge faster than in a walk; and all persons violating this section shall be fined five dollars therefor, by any justice of the peace in either county, one-half of the fine to go to the informer, and the other half to the county in which the offense is tried, and in default of the payment of the fine, the offender to be imprisoned not less than five days.

SEC. 7. *Be it further enacted*, That the board of revenue of said county are hereby authorized and empowered, at their discretion, to let out to one or more contractors the keeping in repair all or any part of the roads and bridges of said county, upon such terms as may be agreed upon, and such contractor shall be vested with all the power of an overseer of roads, in respect to persons liable to work upon roads, embraced in his contract, and may summon such persons to work upon the road or roads in his contract, not to exceed ten days in any one year; and any person liable to work such road, failing to attend, when so summoned by said contractor or his agent, shall be liable to the same pains and penalties in all respects, and to be enforced in the same manner as other defaulters failing to work on roads as now provided by law; and any such contractor failing to keep said roads in repair, shall be liable to the same pains and penalties as is now provided by law against overseers failing to keep roads in good repair. And said board of revenue may require bond and security from such contractor, in such terms and with such conditions as may be deemed necessary by said board.

Board may let out roads by contract.

Duties of contractor.

SEC. 8. *Be it further enacted*, Whenever said board shall let out by contract any road as provided in the preceding section, the duties and powers of the overseers of roads embraced in said contract shall be hereby suspended.

SEC. 9. *Be it further enacted*, That any person summoned to work on roads, either by overseer or contractor, and who attends to work the road, and who fails or refuses, without sufficient excuse, to work faithfully as required by such overseer or contractor, for eight hours for each day, shall be liable to the same penalties, to be enforced in the same manner as if he had failed to attend.

Penalty for refusing to work on roads.

Approved February 5, 1881.

No. 212.]

AN ACT

[s. 262.]

To regulate the duties and compensation of the Board of Revenue of Montgomery county.

PAY OF BOARD. SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the pay of the members of the board of revenue of Montgomery county, except the clerk of said board, who is paid by law an annual salary, shall hereafter be four dollars per diem each, with mileage, but not to exceed, in any one year, more than two hundred dollars.

MEETINGS. SEC. 2. *Be it further enacted,* That said board of revenue shall meet annually, on the second Monday in February each year, for the purpose of appointing overseers and apportioners of the public roads, and shall make such appointments at each term, instead of biennially, as now prescribed by law.

Approved February 12, 1881.

No. 213.]

AN ACT

[H. B. 697½.]

To amend section nine of an act entitled "An act to prohibit the owner of any horse, mule, cow, ass, hog, sheep, or goat from allowing any such animal to go at large, off the premises of such owner, in Montgomery county, except certain portions enumerated and defined herein, and to prescribe a rule of damages and rules of practice in trials of cases under this act, and to repeal said act so far as it relates to township twelve, range nineteen, in said county."

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That section nine of an act entitled "An act to prohibit the owners of any horse, mule, cow, ass, hog, sheep, or goat from allowing any such animal to go at large, off the premises of such owner, in Montgomery county, except certain portions enumerated and defined herein, and to prescribe a rule of practice in trial of cases under this act," approved December 8, 1880, be amended so as to read as follows:

SEC. 2. *Be it further enacted,* That the provisions of

this act shall apply to all the territory of Montgomery county, except that portion within a circuit of two miles from the court house; *Provided*, That the provisions of this act shall not be operative from the first day of December till the first day of March each succeeding year; *Provided, however*, That stock running at large during the months of December, January, and February, upon a growing or outstanding crop, shall be subject to all the penalties and damages arising under this act.

SEC. 3. *Be it further enacted*, That the provisions of this act, so far as the same applies to township twelve, range nineteen, in said county, is hereby repealed.

Approved February 26, 1881.

No. 214.]

AN ACT

[§. 444.

To confer chancery jurisdiction upon the city court of Montgomery.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the city court of Montgomery shall have concurrent jurisdiction with chancery court of all chancery causes within Montgomery county, and shall have and exercise the powers and jurisdiction which are now, or may hereafter be, conferred by law on the several chancery courts of this State, and the judge of said court shall have and exercise, in said county, all the powers exercised now, or hereafter to be exercised, by the chancellors of this State.

SEC. 2. *Be it further enacted*, That the register of the chancery court at Montgomery shall also be the register of said city court, sitting as a court of chancery, and as such, shall be clothed with all the powers of, and perform all the duties of registers in chancery.

SEC. 3. *Be it further enacted*, That the terms of said city court, sitting as a court of chancery, shall be the same as now required by law; but the judge of said court may, whenever the public business shall require, hold special terms of said court, and may also hear and determine causes during vacation, upon consent of parties thereto in writing.

SEC. 4. *Be it further enacted*, That any cause pend-

Transfer of
cases.

ing in the chancery court may be transferred to said city court, by consent of parties, in writing, and that any chancery cause pending in said city court may be transferred to the chancery court, by consent of the parties thereto, in writing; and upon filing such consent, the register may enter an order transferring the cause.

When judge of
either court is
disqualified.

SEC. 5. *Be it further enacted*, That whenever the chancellor shall be disqualified by law from hearing and determining any cause pending in the chancery court of Montgomery county, such cause shall be transferred to said city court, and whenever the judge of said city court shall be disqualified by law from hearing and determining any chancery cause pending in said court, such cause shall be transferred to the chancery court for Montgomery county.

Approved March 1, 1881.

No. 215.]

AN ACT

[s. 401.]

To authorize the transfer of causes from the circuit court of Montgomery county to the city court of Montgomery, and from said city court to said circuit court.

Transfer of
cases.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That in all cases pending in the circuit court of Montgomery county, and in the city court of Montgomery, wherein such courts have concurrent jurisdiction, it shall be competent for the parties, by an agreement in writing, filed in vacation or in term time with the clerk of the court in which the cause is pending, to transfer any such cause from one of said courts to the other, and upon being so transferred, the cause shall proceed in the court to which it is so transferred, in all respects as if it had been originally commenced in such court, and all pleadings, orders, writs, bonds, depositions and proceedings in said cause, shall have the same force and effect as if no transfer thereof had been made.

Clerk makes
transcript.

SEC. 2. *Be it further enacted*, That upon such agreement being filed with the clerk, it shall be his duty to make a certified transcript of all orders, minute

and docket entries in such cause, and to deliver the same, with all the original papers in the cause, to the clerk of the court to which the cause is transferred; *Provided*, That the clerk shall not be required to perform any of the duties prescribed by this section, and no cause shall be transferred, until the costs that have accrued, including the cost of transcript, shall first be paid to the clerk of the court in which the cause is pending.

Costs.

Approved March 1, 1881.

No. 216.]

AN ACT

[H. B. 348.]

To fix the fees of justices of the peace and constables in the county of Montgomery.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That justices of the peace holding their offices in the county of Montgomery shall be entitled to the following fees: *In civil cases*, for issuing summons, \$1.00; for warrant in *qui tam* cases, \$1.50; for subpoena for witness, 25 cents; for execution, and taxing costs thereon, 75 cents; for attachment bond and affidavit, \$2.00; for summons for garnishee and examination, \$1.00; for judgment and order of sale on attachment, 50 cents; for every bond or undertaking, \$1.00; for administering oath, and certifying same, 50 cents; for docketing cause, 10 cents; for judgment on summary proceeding, \$1.00; for issuing *venire facias*, \$1.00; for attending trial each contested cause, \$2.00; for every summons in cases of forcible entry and detainer, and unlawful detainer, \$1.00; for presiding, trial of forcible entry and detainer, and unlawful detainer, \$2.00; for entering judgments, 25 cents; for issuing writ of restitution, 50 cents; *in criminal cases*, for complaint, 50 cents; for warrant of arrest, \$1.00; for search warrants, \$1.00; for each bond or undertaking to court, \$1.00; for each bond or undertaking of witness, 50 cents; for each subpoena, 25 cents; for commitment of defendant to jail, 50 cents; for certifying costs to higher court, 50 cents; for each execution for costs, 50 cents; for each trial of offense, \$2.00.

Justices' fees in civil cases.

Fees in criminal cases.

Constables fees
in civil cases.

SEC. 2. *Be it further enacted*, That constables in the county of Montgomery shall be entitled to the following fees: *In civil cases*, for serving summons, \$1.00; for summoning each witness, 50 cents; for levying an attachment, \$1.50; for levying an execution, \$1.00; for taking bond for forthcoming of property, or other bond required by law, \$1.00; for summoning jury in justice's court, \$2.00; for attending trial, \$1.00; for keeping property levied on, such as the justice of the peace believes just and reasonable, out of the money in the hands of the constable, or arising from the sale of such property, or received by reason of such levy. *In criminal cases*, for executing search warrant by day, \$1.50; for executing search warrant by night, \$3.00; for executing any other warrant, \$1.00; for summoning each witness, 50 cents; for conveying a person upon a warrant of arrest before a magistrate, or to jail, when committed, for himself and each necessary guard, to be proven by the constable, for each mile, 20 cents.

In civil cases.

SEC. 3. *Be it further enacted*, That all laws and parts of laws in conflict with this act be, and the same are, hereby repealed.

Approved March 1, 1881.

No. 217.]

AN ACT

[H. B. 105.]

To repeal section 1653 (1346) of the Code of Alabama, so far as the same relates to the county of Morgan.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 1653 (1346) of the Code of Alabama be, and the same is, hereby repealed, in so far as the same relates to the county of Morgan.

SEC. 2. *Be it further enacted*, That the rights of all persons now holding claims against said county of Morgan, under the provisions of the section hereby repealed, are not impaired by the repeal of said section.

Approved November 26, 1880.

No. 218.]

AN ACT

[s. 376.]

To regulate the number of persons drawn to serve as grand and petit jurors for the county of Morgan.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the officers now charged by law with the drawing of grand and petit jurors, in the circuit court of Morgan county, shall draw fifteen persons, and no more, to serve as grand jurors in the circuit courts of said county; and twenty-four persons, and no more, for each week in which said courts are held, to serve as petit jurors in said county. ^{Number of jurors.}

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be, and the same are, hereby repealed.

Approved March 1, 1881.

No 219.]

AN ACT

[H. B. 173.]

To authorize the court of county commissioners of Perry county to provide for the warming of the jail in said county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the court of county commissioners of Perry county be, and they are, hereby authorized to provide for the warming of the jail of said county, and are hereby empowered to make all necessary contracts for the same; *Provided*, That the expenses incurred shall be paid out of the treasury of Perry county.

Approved November 29, 1880.

No. 220.]

AN ACT

[H. B. 60.]

To repeal "An act to confer jurisdiction upon the probate judge of Perry county, concurrent with the circuit court, with authority to hold court at Uniontown, Alabama," approved February 13, 1879.

SECTION 1. Be it enacted by the General Assembly of Alabama, That "An act to confer jurisdiction upon the probate judge of Perry county, concurrent with the circuit court, with authority to hold court at Uniontown, Alabama," approved February 13, 1879, be, and the same is, hereby repealed.

SEC. 2. Be it further enacted, That all records of civil and criminal cases now pending in said court at Uniontown, together with all books, papers, and files pertaining to such causes, shall be transferred by the clerk of said court to the office of the clerk of the circuit court of said county of Perry; that all persons who are required by any bail bond, or order of said court at Uniontown, to appear at the next term thereof, shall be required to appear at the next term of the circuit court of said county of Perry, and that this act shall not be construed as a dismissal or discontinuance of any cause or prosecution pending in said court at Uniontown, but all such causes shall be triable in the circuit court of said county of Perry as fully as if they had been originally instituted in said circuit court; *Provided,* That such records, books, papers, and files so transferred by the clerk of said court at Uniontown to the office of the clerk of said circuit court of Perry county, shall in all respects be taken, held, and located as records of said circuit court; and all proceedings arising, or hereafter to arise, upon or in relation to any judgment rendered in said court at Uniontown, or upon any bail bond given in said court at Uniontown, shall be had in said circuit court, the same in all respects as if the causes in which said judgments were rendered, or bail bond given, had been originally commenced in said circuit court of Perry county; *Provided, also,* That all fines and forfeitures now due and unpaid in said court, shall be paid into the general fund of the county, and the salary due the judge of said court shall be paid

Act repealed.

Records,
bonds, &c.

proviso.

Fines and for-
feitures.

by the county treasurer out of the general fund of said county.

Approved February 9, 1881.

No. 221.]

AN ACT

[H. B. 59.

For the preservation of game animals and birds in Perry county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That it shall be unlawful at any place in Perry county, to catch, kill or injure, or pursue with such intent, any wild buck, doe or fawn, between the first day of January and the first day of September; and it shall be unlawful to catch, kill or injure, or pursue with such intent, any wild turkey, between the first day of April and the first day of October; and it shall be unlawful to catch, kill or injure, or pursue with such intent, any turtle dove, between the first day of April and the fifteenth day of July; and it shall be unlawful to catch, kill or injure, or pursue with such intent, any quail, sometimes called partridge, between the first day of April and the first day of October; and it shall be unlawful to catch, kill or injure, or pursue with such intent, any wild duck, between the first day of May and the first day of October.

SEC. 2. *Be it further enacted,* That it shall be unlawful at any time, and at all seasons, to catch, kill or injure, or to pursue with such intent, the mocking bird, cat bird, thrush, sparrow, or any other kind of bird not named in the preceding section, or to rob or destroy the nest of any bird, at any place in Perry county, except crows, black birds, blue jays, owls, hawks and other birds of prey.

SEC. 3. *Be it further enacted,* That it shall be unlawful, at any place in said county, for any person to purchase, have in possession, sell, or expose for sale, any of the birds or game mentioned in the first section of this act, during the seasons when the catching, killing or injuring the same is prohibited.

SEC. 4. *Be it further enacted,* That it shall be unlaw-

Carrying.

ful in said county for any railroad company, express company, or other company or corporation, or steamboat, or carrier, or any private individual, to have in possession, or receive for transportation or carriage, or for any purpose whatever, any of the birds or game mentioned in the first section of this act during the season when the catching, killing or injuring the same is prohibited.

Penalties.

SEC. 5. *Be it further enacted*, That any person or persons violating the provisions of this act, by killing, catching, selling, offering for sale, purchasing, or having in possession, any of the birds or game mentioned in the first section of this act, or any fresh venison, and between the first of April and the first of October, in any place in said county, shall, for each of the birds, and each head of game, and each piece of fresh venison so killed, caught, sold, purchased or exposed for sale, or had in possession, on conviction thereof, forfeit and pay a fine of not less than one nor more than ten dollars for each bird or duck, and not less than five nor more than twenty dollars for each turkey, and not less than twenty-five nor more than fifty dollars for each buck, doe or fawn, or piece of fresh venison, and not less than five nor more than ten dollars for each nest or part of nest of eggs, robbed, broken up, or destroyed in any manner, of the birds or game herein prohibited, together with the costs of prosecution.

Prosecutions.

SEC. 6. *Be it further enacted*, That any violations of the provisions of this act may be prosecuted before any justice of the peace, or other officer or court having jurisdiction of misdemeanors in said county, and the judgment of such court shall be enforced in like manner as in other cases of misdemeanors, with like right of appeal.

Fines.

SEC. 7. *Be it further enacted*, That upon the collection of any fine or judgment for any violation of the provisions of this act, one-half of such fine or judgment shall go to the informer, and the other half shall be paid to the county superintendent of education, or other proper officials of the public schools of said county, and by them to be prorated for the benefit of the said public schools in Perry county, amongst the different townships; *Provided*, That any person entitled to any portion of the fine or fines imposed under the

provisions of this act shall be allowed to testify upon the trial of any cause under this act.

SEC. 8. *Be it further enacted*, That it is made the duty of all sheriffs, constables, market masters or clerks, and police officers, in said county, to arrest all persons violating, or in the act of violating, any of the provisions of this act, and to take him or them before a justice of the peace, or other officer having jurisdiction, to hear and try complaints for the violation of the provisions of this act. Duties of sheriffs and others.

SEC. 9. *Be it further enacted*, That all laws and parts of laws, of a general or special character, for the preservation of game, conflicting with the provisions of this act, be, and the same are, hereby repealed, so far as the same relates to Perry county; *Provided*, That all that part of Perry county lying east of the Cahaba river shall be excepted from the provisions of this act. Laws repealed.

Approved February 26, 1881.

No. 222.]

AN ACT

[H. B. 600.]

To prevent stock from running at large in that part of Perry county bounded as follows, to-wit: Beginning at the bridge over Bogue Chitto creek, on the old Cahaba and Greensboro road in said county; thence north up said creek to the line between Marion and Polecat beats; thence up said line, to the east and west line between Polecat and Brush Creek beats; thence west along said line, to the line between Hale and Perry counties; thence south along said county line, to the present northern boundary line of the canebrake agricultural district; thence east along said line, to the said bridge, the point of beginning.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That it shall not be lawful for stock of any description whatever to run at large in the following described district in the county of Perry, to-wit: All that part of Perry county lying west of a line beginning at the bridge over Bogue Chitto creek, on the old Cahaba and Greensboro road, running north up said creek to the line between Marion and Polecat beats; Territory defined.

along said line, to east and west line between Polecat and Brush creek beats; south of said line between Polecat and Brush creek beats; east of the line between Hale and Perry counties; and north of the present northern boundary line of the canebrake agricultural district in said county.

Owner of stock
liable for dam-
ages.

SEC. 2. *Be it further enacted*, That the owner of any stock running at large, in violation of the provisions of the first section of this act, shall be liable to the party injured for any damage done by said stock to any lands, or to any crops, fruit trees, shrubbery, or other property in said district, and the party injured shall have a lien, superior to all other liens, on the stock doing such damage, for all damage done by said stock.

Suits for dama-
ges.

SEC. 3. *Be it further enacted*, That whenever any damage has been done to any property in said district by stock running at large, in violation of the provisions of section one of this act, the party whose property has been damaged may, within ten days after such damage was done, make complaint against the owner of the stock doing the damage, to a justice of the peace, or notary public, of the precinct in which such damage was done, or if there be no justice of the peace, or notary public, of the precinct in which such damage was done, then to a justice of the peace, or notary public, of any adjoining precinct, describing the property damaged and the stock doing the damage; and whenever such complaint is made, the justice of the peace, or notary public, to whom it is made shall issue notice to the owner of such stock commanding him to appear and answer such complaint, on a day not less than five nor more than ten days from the issuance of such complaint; said justice of the peace, or notary public, shall also issue notice to three disinterested freeholders, to be selected by him, commanding them to assess and report to him, on the day on which the owner of said stock is required to answer said complaint, on their oaths, the amount of damages the complainant has sustained, which report shall be evidence on the trial of the cause, and if the owner of said stock appears on the day he is commanded to appear and answers said complaint, the justice of the peace, or notary public, shall try such cause, and render such judgment therein as the justice and equity of the

case demands; but if the owner of such stock does not appear and answer, the justice of the peace, or notary public, shall give judgment for the complainant for such damages as he may have sustained, and if the judgment be rendered for the complainant, the justice of the peace, or notary public, shall also render judgment condemning the stock doing the damage to be sold for the satisfaction of such judgment and the costs of suit, and shall issue execution on such judgment, commanding any constable of Perry county to levy on and sell such stock, describing them in the execution, for the satisfaction of such judgment and costs.

Stock may be sold for damages.

SEC. 4. *Be it further enacted*, That either party shall have the right to appeal from the judgment of the justice of the peace, or notary public, in such cause.

Approved March 1, 1881.

No. 223.] AN ACT [s. 129.

To repeal all special and local laws for working the public roads in Randolph county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That all laws or parts of laws, of a special or local character, now in force for working the public roads in Randolph county, be, and the same are, hereby repealed.

Approved December 8, 1880.

No. 224.] AN ACT [s. 315.

To authorize the court of county commissioners of Randolph county to adjust, compromise and settle the outstanding indebtedness of said county arising from bonds issued in payment of the capital stock of railroad companies.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the court of county commissioners of Randolph county be, and they are, hereby authorized and empowered to adjust, compromise and settle all or

Commissioners' court may compromise debt.

any outstanding indebtedness of said county, in payment of stock subscribed to any railroad company under the provisions of an act of the General Assembly of Alabama, approved December 31, 1868, entitled "An act to authorize the several counties, and towns, and cities of the State of Alabama to subscribe to the capital stock of such railroads throughout the State, as they may consider most conducive to their respective interests," upon such terms as may be agreed upon by the said court of county commissioners and the holders and the owners of any indebtedness arising as aforesaid.

New bonds.

SEC. 2. *Be it further enacted*, That whenever any agreement shall have been entered into between the holders and owners of said indebtedness and the said court of county commissioners, the same shall be reduced to writing and entered upon the records of said court. And to carry the same into effect, said court of county commissioners are hereby authorized and empowered to issue, or cause to be issued, new bonds of said county, with interest coupons attached, for the amount of said coupons so agreed upon, which said bonds shall have such time to run, and be payable at such time, and shall bear such rate of interest, not to exceed eight per cent., as may be agreed upon; and said bonds and coupons shall be signed by the probate judge and countersigned by the county treasurer of said county, and shall be properly numbered, and a record thereof shall be kept by the county treasurer. Said court of county commissioners are hereby authorized to issue certificates, or other evidences of indebtedness against said county, for such amount, and payable in such manner, and bearing interest at a rate not exceeding eight per cent., as they may think proper in settlement of any compromise of said indebtedness; and said court of county commissioners are hereby authorized and empowered to borrow not exceeding twenty thousand dollars, and to issue therefor either warrants upon the treasurer, bonds, or other evidences of indebtedness, payable at such time and place, and bearing such rate of interest, not exceeding eight per cent., as may be agreed upon; and all such new bonds, warrants or other evidences of indebtedness, when so issued under the provisions of this act, shall be valid and binding liabilities of said county.

SEC. 3. *Be it further enacted*, That for the purpose of meeting the payment of said bonds, or other evidences of indebtedness, issued under the provisions of this act, said court of county commissioners are hereby authorized and empowered to levy a tax, not exceeding the rate authorized by the constitution and laws of this State, for each year until the same is paid, on the value of the taxable property of said county, in addition to the regular county tax, and said tax when so collected shall be applied exclusively to the payment of said bonds, or other evidences of indebtedness; and said court is authorized to direct and order that any part or the whole of said bonds, warrants or other evidences of indebtedness, may be receivable in payment of said tax, or of the county tax, which shall be specified on the face of the obligations herein authorized.

Special tax.

SEC. 4. *Be it further enacted*, That nothing herein contained shall be so construed as giving validity to any of the bonds or other liabilities of said county now outstanding, but all such bonds or other liabilities are left to stand upon their respective merits, until the same shall be compromised as herein provided.

Validity of old bonds not affected.

SEC. 5. *Be it further enacted*, That said court of county commissioners are hereby authorized to allow all just and reasonable expenses incurred in carrying out the provisions of this act as proper claims against said county.

Expenses.

SEC. 6. *Be it further enacted*, That this act shall not be so construed as to repeal any former acts of the General Assembly of Alabama providing for the compromising of the said indebtedness.

Approved February 23, 1881.

No. 225.]

AN ACT

[s. 61.]

To repeal "An act to repeal section 1374 in article 1 of the Revised Code of Alabama, so far as relates to the counties of DeKalb, Covington, Russell, Cherokee and Madison," approved April 19, 1873, so far as said act relates to the county of Russell.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That an act entitled "An act to repeal section 1374 in article 1 of the Revised Code of Alabama, so far as relates to the counties of DeKalb, Covington, Russell, Cherokee and Madison," approved April 19, 1873, be, and the same is, hereby repealed, so far as said act relates to the county of Russell.

Approved December 4, 1880.

No. 226.]

AN ACT

[s. 158.]

To make the fees of the officers of court of Sumter county, in certain criminal cases, receivable in payment of debts due said county for fines and forfeitures.

Certificates issued and registered.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That in all criminal cases in the circuit and county courts of Sumter county, in which the fees of the officers of court are a proper charge upon the fine and forfeiture fund of said county, it shall be the duty of the commissioners court of said county to issue certificates to said officers for the amounts due them, upon proof made before them, which certificates shall be a charge upon the fine and forfeiture fund of said county, and shall be registered as presented to the county treasurer against said fund, and after such registration, shall be receivable in payment of any debt due to said Sumter county for fines and forfeitures, the same as State's witness tickets are now received.

Past claims.

SEC. 2. *Be it further enacted,* That the provisions of this act shall apply to all such fees as are now due, and to those which have been passed upon by said

commissioners court heretofore, as well as those hereafter to become due.

Approved February 24, 1881.

No. 227.]

AN ACT

[H. B. 792.]

To authorize the probate judge of Talladega county to order elections in certain cases, to prevent the sale, or giving, or other disposition of vinous or spirituous liquors within certain limits in said county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act, when five or more persons desire to prevent the sale, or giving away, or otherwise disposing of, vinous or spirituous liquors within certain limits of any city, town, village, church, school house, or any public works, or within certain limits of any other place in Talladega county, they may petition, in writing, the probate judge of the county, setting forth accurately a description of the place where they desire the prohibition of the sale or giving away of vinous or spirituous liquors, the distance from such city, town, or village, church, school house, or public works, or other place in which the sale or giving away is to be prohibited, and that in the opinion of the petitioners the public good will be promoted by a prohibition of the sale or giving away of vinous or spirituous liquors within such limits, which petition shall be verified by the oaths of the applicants; *Provided*, The petitioners shall be freeholders residing within the proposed limits.

Sec. 2. *Be it further enacted*, That on the filing of such petition it shall be the duty of the probate judge forthwith to order an election to be held at some convenient place in such city, town, village, church, school house, public works, or other place, and he shall appoint three householders or freeholders, who live within such proposed limits, male citizens over twenty-one years of age, who shall have resided therein for at least three months next before the filing of such petition, as managers, to hold and conduct such election; and it shall be the duty of the probate judge to issue

a notice to such managers, together with a copy of such petition, which shall be personally served on them by the sheriff for at least ten days before the day so appointed for holding such election.

Manner of holding election. of the SEC. 3. *Be it further enacted*, That said managers, immediately after the service of such notice by the sheriff, shall cause to be posted up a written notice of the time and place of holding such election at three or more public places within such proposed limits, and upon the day appointed for holding the same the said managers, or a majority of them, at the hour of nine o'clock in the morning, shall open and hold an election at such designated place, which election shall be closed at the hour of five o'clock in the evening; that if a majority of such managers fail to attend at the appointed time and place of holding such election, then any three freeholders or householders within such limits may open and hold such election.

Qualification of voters. SEC. 4. *Be it further enacted*, That all male citizens who reside within such proposed limits, who at the time, under the laws of this State, are entitled to vote at any general election for governor, shall be eligible to vote at such election; that the general election laws in this State which may be in force at the time, not inconsistent with this act, shall apply to such election.

Duties of managers. SEC. 5. *Be it further enacted*, That at such election the persons so voting in favor of prohibition shall write or print on their tickets "Prohibition," and those voting in opposition to the prohibition, shall write on their tickets "No prohibition"; that after the votes so cast shall have been counted out by such managers, the same, together with the tickets, shall be placed in an envelope, or box, sealed up and directed to the probate judge of the county. Said managers shall select any of their number, or some other suitable person, as returning officer, who shall deliver said election returns to such probate judge within two days after the holding of such election.

Order issued by probate judge. SEC. 6. *Be it further enacted*, That if it is made to appear to the probate judge, on opening such election returns, that a majority of the electors voting at such election, residing within the proposed limits, voted in favor of prohibition, then he shall make an order on the minutes of said court prohibiting the sale, or giving

away, of vinous or spirituous liquors within the limits mentioned in said petition, and cause a copy of the same to be posted at three conspicuous places within such limits, and at the expiration of ten days after the making and posting of such order it shall not be lawful for any person to sell or give away vinous or spirituous liquors within such proposed limits, under the pains and penalties now prescribed by law against persons engaged in retailing vinous or spirituous liquors without license; *Provided*, That the rights of any one holding license as a retail or wholesale liquor dealer shall not be affected hereby until the expiration of such license. Rights of persons holding license.

SEC. 7. *Be it further enacted*, That after the making of such order it shall be unlawful for any probate judge to issue a license to any person to sell, or otherwise dispose of, vinous or spirituous liquors within such limits, and any probate judge violating the provisions of this act shall be deemed guilty of a misdemeanor, and, on conviction, shall be fined in a sum not less than one hundred dollars. Penalty for issuing license fees.

SEC. 8. *Be it further enacted*, That if, on the returns of said election to the probate judge, it appears that a majority of the qualified voters residing within the prescribed limits, voting at said election, voted against prohibition, then said judge shall make an order dismissing such application at the cost of the applicants.

SEC. 9. *Be it further enacted*, That after the filing of the petition referred to in this act, it shall not be lawful for the probate judge to issue a license to any person to sell, or otherwise dispose of, vinous or spirituous liquors within the limits mentioned in said petition until after the same shall have been voted upon as herein provided; and not then, unless the same shall have been voted down or against; *Provided*, The second petition shall not be made within twelve months after the filing of the petition mentioned in this section.

SEC. 10. *Be it further enacted*, That the probate judge and sheriff shall each be entitled to the sum of three dollars, and the returning officer shall be entitled to the sum of one dollar and fifty cents. Said sums of money to be deposited by the petitioners with the probate judge on the filing of such petition. Fees.

When new
election may be
ordered.

SEC. 11. *Be it further enacted*, That after the probate judge shall have made his order prohibiting the sale or giving away of vinous or spirituous liquors within any city, town, village, church, school house, public works, or any other place, and any five citizens, being freeholders residing within such limits, desire to have the order revoked, they may do so by petition to the probate judge, in the same manner as in the first instance, after the expiration of twelve months from the prior election. The election shall be ordered and held as hereinbefore provided; and if, on the return of the votes polled, it appears to the probate judge that a majority of the qualified voters voting at said election, voted against prohibition, then he shall make an order revoking the former order prohibiting the sale or otherwise disposing of vinous or spirituous liquors within such limits.

Costs.

SEC. 12. *Be it further enacted*, That the costs in an application to vacate the order of prohibition, as in the first instance, shall be the same as provided in the tenth section of this act, and shall be deposited with the probate judge, as directed in said section.

Penalties

SEC. 13. *Be it further enacted*, That any person violating this law shall be punished as those are now punished who sell vinous or spirituous liquors without license; *Provided*, That this act shall not be so construed as to prevent regular practicing physicians from prescribing vinous or spirituous liquors in their practice, or the use of wine in religious rites and ceremonies.

Proviso.

SEC. 14. *Be it further enacted*, That all laws or parts of laws in conflict with the provisions of this act are hereby repealed.

Approved February 23, 1881.

No. 228.]

AN ACT

[H. B. 90.

Authorizing the clerk of the circuit court of Talladega county to act as *ex-officio* clerk of the county court of said county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the clerk of the circuit court of Talla-

dega county be, and he is, hereby authorized to act as *ex-officio* clerk of the county court of said county.

Approved March 1, 1881.

No. 229.]

AN ACT

[s. 86.

An act to amend "An act to authorize the commissioners court of Tuskaloosa county to build a bridge over the Black Warrior river, to appoint trustees thereof, to issue and sell bonds of the county, and to secure said bonds by mortgage," approved December 4, 1871.

WHEREAS, the bridge over the Black Warrior river, built in pursuance of an act entitled "An act to authorize the commissioners court of Tuskaloosa county to build a bridge over the Black Warrior river, to appoint trustees thereof, to issue and sell bonds of the county, and to secure said bonds by mortgage," approved December 4, 1871, has been destroyed by a storm; and whereas, the said commissioners court finds it necessary to rebuild said bridge for the use and convenience of the public, and have contracted therefor; and whereas, the amount in value of the bonds of said county, which were authorized to be issued in pursuance of said act, was not exhausted in the construction of said bridge destroyed by said storm as aforesaid;

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the first section of an act entitled "An act to authorize the commissioners court of Tuskaloosa county to build a bridge over the Black Warrior river, to appoint trustees thereof, to issue and sell bonds of the county, and to secure the said bonds by mortgage," approved December 4, 1871, be amended so as to read as follows: Section 1. That the court of county commissioners of Tuskaloosa county be, and is, hereby authorized to issue bonds of said county, not to exceed forty thousand dollars, to be used in constructing a bridge across the Black Warrior river, connecting the towns of Tuskaloosa and Northport as nearly as practicable; said bonds to bear interest at the rate not

Section 1
amended.

Bonds issued.

exceeding seven per centum per annum, with coupons attached, payable to bearer, annually, at such place or places as may be therein designated, and said coupons to be receivable for county taxes from the holder, or any transferee; *Provided*, That said bonds shall not be sold or disposed of by said court of county commissioners for less than their par value.

Section 2
amended

Form and size
of bonds.

SEC. 2. *Be it further enacted*, That section two of said act be, and the same is, hereby amended so as to read as follows: Section 2. That said bonds may be issued in sums of one hundred dollars, or any multiple thereof not greater than one thousand dollars, and shall be signed by the judge of probate, and countersigned by the treasurer of said county; and shall have the county seal attached to each. That the coupons shall be signed and numbered by the county treasurer, who shall keep a correct account of all bonds issued and disposed of under this act; that said bonds shall be made payable at such times as the commissioners court may agree on, not exceeding eight years from the date of their issuance, may be made transferable by delivery as negotiable paper, and shall be redeemable at such place or places as may be therein designated, on maturity.

Court may
mortgage
bridge.

SEC. 3. *Be it further enacted*, That section 3 of said act be, and the same is, hereby amended so as to read as follows: Section 3. That the commissioners court shall have power to execute a mortgage, or deed of trust, on said bridge, together with the pillars, fixtures, franchises and appurtenances, not to include the tolls to be received therefrom, to secure the payment of said bonds and coupons, and said mortgage, or deed of trust, shall be signed by the probate judge, and may contain a power of sale on sixty days public notice, and any other provisions necessary or proper for the security of the holders of said bonds.

SEC. 4. *Be it further enacted*, That section eight of said act be, and the same is, hereby amended so as to read as follows: Section 8. That after the completion of said bridge, and the same has been accepted by the commissioners court, as constructed pursuant to the terms of the contract with the builders, it shall be the duty of the probate judge of Tuskaloosa county, upon being required so to do by the court of county commissioners of said county, to nominate four trustees,

residents of said county, who, after being confirmed by said commissioners court, by a majority vote, shall, together with said probate judge, who shall be a trustee *ex-officio*, constitute a board of trustees to be known as the "Warrior Bridge Trustees," and who shall be invested with the full management and control of said bridge, and shall have all the powers conferred by any and all of the previous sections of this amendatory act, and of the sections of the original act not herein amended, upon said commissioners court, so far as the management of the same is concerned, the powers of said commissioners court ceasing after the appointment and confirmation of said board of trustees, excepting as to all necessary police regulations. All vacancies in said board of trustees, should the same be created, shall be filled by the probate judge of said county, with assent of any two commissioners, members of said commissioners court, and any trustee may be removed by a vote of three out of the four county commissioners; and in case said board of trustees should not be appointed and confirmed as herein provided for, the said court of county commissioners shall have and retain the full management and control of said bridge as provided for by this act and by the original act of which it is amendatory.

SEC. 5. *Be it further enacted*, That section nine of said act be, and the same is, hereby amended so as to read as follows: Section 9. That the commissioners court of said county shall have and retain power to make all needful and useful police regulations, for the protection of said bridge, and any person violating the same, after they shall have been posted at each entrance of said bridge, shall be guilty of a misdemeanor, and may be prosecuted and convicted therefor and punished by any court for Tuskaloosa county having jurisdiction to try and punish for misdemeanors.

SEC. 6. *Be it further enacted*, That said act be further amended by the addition of the following provisions, to wit: That the commissioners court of said county shall have power to use and appropriate the bonds to be issued under the provisions of this amendatory act, so far as may be necessary therefor, in substitution for any of the bonds heretofore issued under the provisions of the said original act hereby amended,

and may also appropriate any money arising from the sale of the bonds herein provided for, or any portion of the taxes levied and collected of said county, for the purpose of paying off the debt incurred by, and for the building of, said bridge, in purchasing or paying off any of the outstanding bonds issued by authority of said original act; *Provided*, That in making the substitution for outstanding bonds, as is herein provided for, the bonds issued in pursuance of this act shall not be so disposed of for less than their par value.

Bonds may be
called in.

SEC. 7. *Be it further enacted*, That said act be further amended by the addition of the following provisions, to wit: That said court of county commissioners may, at any time, after giving thirty days notice, by publication in one or more newspapers published in the county of Tuskaloosa, of their intention to do so, call in and pay off any or all of the bonds issued in pursuance hereof; and that after the expiration of said thirty days all interest upon the bond, or bonds, so called in, shall cease; *Provided*, Said court of county commissioners should then be ready, able and willing to pay off such bond, or bonds, with any interest which may have accrued thereon up to that date.

SEC. 8. *Be it further enacted*, That sections one, two, three, eight and nine of said original act, of which this act is amendatory, be, and the same are, hereby repealed.

Approved December 3, 1880.

No. 230.]

AN ACT

[s. 409.

To regulate the sale, giving away, or otherwise disposing of, spirituous, vinous, or malt liquors, or intoxicating bitters, or patent medicines having alcohol as a base, in the county of Tuskaloosa.

When an elec-
tion may be or-
dered.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That whenever fifty or more resident householders and freeholders of Tuskaloosa county file, in the office of the judge of probate of said county, a petition in writing praying for an election to ascertain the wishes of the people of said county as to the prohibition

of the sale of intoxicating liquors, in said county, it shall be the duty of said judge to order an election, and fix the time of holding the same, which shall not be more than ninety nor less than fifty days from the time of the filing of such petition.

SEC. 2. *Be it further enacted*, That the sheriff of said county shall give notice, at least forty days before the time so fixed for such election, of the time of holding, and the purpose for which such election is held, by publication as now required by section 261 of the Code of Alabama; and inspectors and returning officers shall be appointed for all the precincts in the county, as now required by law for the holding of general elections.

Duties of
sheriff.

SEC. 3. *Be it further enacted*, That upon the day so appointed, an election shall be held at the voting places in the several precincts of the county where the people desire to vote, and all persons who are at the time qualified voters under the general election laws of this State, shall be entitled to vote at such election; and such election shall, in all respects, be governed by the general election laws of this State which may be in force at the time, except that inspectors and returning officers shall not be entitled to any compensation for their services.

Mode of hold-
ing elections.

SEC. 4. *Be it further enacted*, That at such election those who desire to vote for prohibition shall deposit their ballots, with the words "For prohibition" printed or written thereon, and those who desire to vote against prohibition shall deposit their votes with the words "Against prohibition" printed or written upon them. When the votes so cast are returned and counted by the board of supervisors, as now required by law, if it be found that a majority of all the votes cast, and so counted in the county, are for prohibition, then it shall be the duty of the probate judge to record the result in his office, and to give notice for thirty days, by publication in all the newspapers published in the county, that a majority of the qualified voters, who voted at said election, voted for prohibition.

Ballots.

Probate judge
gives notice of
result of elec-
tion.

SEC. 5. *Be it further enacted*, That after the expiration of said thirty days notice, it shall be unlawful for any person, firm, or corporation, to sell, give away, or

otherwise dispose of, any spirituous, vinous, or malt liquors, or intoxicating bitters, or any patent medicines having alcohol as a base, within the county of Tuskalooza.

Penalties.

SEC. 6. *Be it further enacted*, That any person who shall violate the provisions of the preceding section shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than fifty nor more than two hundred dollars, which shall be paid in money; and for the second offense, in addition to said penalty, may be sentenced to imprisonment in the county jail, or hard labor for the county, for not less than twenty nor more than forty days, one or both, at the discretion of the court or jury trying the same.

SEC. 7. *Be it further enacted*, That any person who sells, or gives away, any intoxicating liquors in said county, on the day any election provided for by this act is held, or within seven days next preceding such election, shall be guilty of a misdemeanor, and, on conviction, shall be fined or imprisoned, one or both, at the discretion of the court or jury trying the same.

Exception.

SEC. 8. *Be it further enacted*, That nothing in this act shall be so construed as to prevent the use of wine for sacramental purposes, or the use of any kind of liquors for domestic purposes, or the sale of wine in not less quantities than one gallon by persons who manufacture it from grapes grown themselves in this State, in which there is no intermixture of alcohol.

When Act takes effect.

SEC. 9. *Be it further enacted*, That this act shall be so construed that if an election is held in pursuance of its provisions during the year 1881, the prohibition provided for by the 5th and 6th sections of this act shall not take effect till after the thirty-first day of December, 1881.

Old laws not affected.

SEC. 10. *Be it further enacted*, That nothing in this act shall be so construed as to repeal, or in any manner affect, any prohibitory law now in force, or which may hereafter be enacted, for the prohibition of the sale of any intoxicating liquors in any part of Tuskalooza county.

Approved March 1, 1881.

No. 231.]

AN ACT

[H. B. 657.]

To provide a fund for the payment of the witnesses for the State in the circuit and county courts of Tuskalooosa county, and prescribe their compensation.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That all judgments rendered by any court in Tuskalooosa county for fines or forfeitures of undertakings for bails or recognizances that may become payable after the passage of this act, shall be paid in money only. Fines paid in money.

SEC. 2. *Be it further enacted,* That all money collected on judgments in the circuit and county courts of Tuskalooosa county, for fines and forfeitures, shall be a fund for the payment of witnesses for the State in said courts, including witnesses before the grand jury, and any officer collecting any such money is hereby required to pay the same to the county treasurer of said county, to be placed to the credit of said fund, within ten days after the same is collected; and all officers who collect any of said money are hereby required to file a statement in writing and under oath, on the first Monday in January and July in each year, in the office of the probate judge of said county, for the use of the county commissioners of said county, setting forth from whom and how much money they have collected for said fund, and what disposition they have made of the same. Fine and forfeiture fund.

SEC. 3. *Be it further enacted,* That after the passage of this act, witnesses for the State in said courts, including witnesses before the grand jury, shall receive one dollar a day for attendance, and two and a half cents a mile from and to their residences by the usual traveled route, and all necessary ferriages and tolls; but if a witness attend in more than one case on the same day, he shall be entitled to compensation in one case only. Fees of witnesses.

SEC. 4. *Be it further enacted,* That after the trial or continuance of the case, or discharge of the witness, by the court or grand jury, the clerk of the court or foreman of the grand jury, upon the application and oath of the witness, shall issue to him a certificate setting forth that he was a witness for the State, and the compensation to which he is entitled; and at the discharge of the grand jury the foreman must furnish to the clerk Certificates.

a certified list of all the certificates issued by him, showing to whom issued and the amount due to each witness.

Clerk's book of
certificates.

SEC. 5. *Be it further enacted*, That immediately after the close of the term of a court, the clerk shall enter, in a book kept for that purpose, a certified list of all the certificates issued during the term to witnesses for the State by the clerk and by the foreman of the grand jury, showing the order, by date, in which they were issued, to whom, and for what amount; and for making said list the clerk shall receive five (5) cents for each certificate described therein, to be paid out of the fund herein provided for, on the delivery of said list to the county treasurer.

Book delivered
to treasurer.

SEC. 6. *Be it further enacted*, That on the completion of said list, the said book shall be delivered by the clerk to the county treasurer, whose duty it is to keep said fund, and it shall be open to the inspection of all persons who have certificates described therein; and the certificates shall be paid in the order in which they are entered on said list, and when a certificate is paid the fact shall be marked on said list, with the date of payment, and the certificate shall be surrendered by the holder and cancelled.

Costs in certain
cases.

SEC. 7. *Be it further enacted*, That whenever the costs in criminal cases, in said courts, are imposed on the defendant or prosecutor, or the foreman of the grand jury, the fees for witnesses for the State shall be taxed as costs, and, when collected, shall be paid by the officer collecting the same to the county treasurer of said county, and said fees shall constitute part of the fund provided for by this act, and the officer collecting the same shall embrace said fees in the statement which he is required to make by section two of this act.

Approved March 1, 1881.

No 232.]

AN ACT

[s. 38.

To amend "An act for the better protection of the planters in the counties of Monroe, Marengo, Clarke, Choctaw, Pickens, Greene and Talladega," by adding the county of Washington.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That it shall be unlawful for any person to buy or receive any seed cotton, grown or raised on any rented land, before the same is divided between the landlord and tenant, or the rent for said land is paid, without the written consent of said landlord, or any seed cotton owned by tenants in common, without the written consent of all such tenants in common; and, on conviction thereof, such person so convicted shall be fined not exceeding one thousand dollars, and may be sentenced to hard labor for the county not exceeding twelve months. Buying cotton, &c.
Penalty.

SEC. 2. *Be it further enacted,* That any person buying or receiving seed cotton, shall enter in a book to be kept for that purpose, each lot of seed cotton so bought or received, the number of pounds thereof, the dates when, and the person or persons from whom the same was bought or received; and the said book shall be kept by such person open for inspection of any person who may wish to examine the same, and if such person who buys or receives such seed cotton refuses or fails to comply with any of the provisions of this section, such person, on conviction thereof, shall be fined not exceeding one thousand dollars, and may be sentenced to hard labor for the county not exceeding twelve months. Buyer keeps a book of record.

SEC. 3. *Be it further enacted,* That the persons named in this act, who shall buy or receive seed cotton, shall furnish monthly to the judge of probate of the county in which the same is bought or received, at each regular term of the probate court, a statement in writing, under oath, setting forth each lot of seed cotton so bought or received by him for the month preceding, with the number of pounds of each lot, the dates when, and from what person or persons the same was bought or received; and if any such person fails to comply with any of the provisions of this section, he shall, on Makes monthly reports.

conviction thereof, be fined not less than one thousand dollars, and may be sentenced to hard labor for the county for a term not exceeding twelve months.

Penalty for
false report.

SEC. 4. *Be it further enacted*, That if said statement, so verified, shall be false in any respect, the person verifying the same shall be guilty of perjury.

Exceptions
from this Act.

SEC. 5. *Be it further enacted*, That the provisions of this act shall not apply to any seed cotton which may be bought at a public sale and received on such purchase, or seed cotton bought or received by the landlord and tenants in common, as mentioned in the fifth section hereof, from each other.

SEC. 6. *Be it further enacted*, That the provisions of this act shall only apply to the counties of Marengo, Monroe, Clarke, Choctaw, Pickens, Greene, Talladega and Washington.

SEC. 7. *Be it further enacted*, That all laws contravening the provisions of this act be, and the same are, hereby repealed.

Approved December 2, 1880.

No. 233.]

AN ACT

[s. 173.

To reduce the salary of the judge of the city court of Selma.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the third day of November, 1881, the salary of the judge of the city court of Selma shall be twenty-two hundred and fifty dollars per annum, to be paid as now provided by law.

Approved February 23, 1881.

No. 234.]

AN ACT

[H. B. 736.]

To confer additional jurisdiction upon the county court of Wilcox county, and to regulate the proceedings therein.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the county court of Wilcox county shall have jurisdiction of all misdemeanors committed in said county.

SEC. 2. *Be it further enacted*, That at the next spring term, 1881, of the circuit court of said county, it shall be the duty of the presiding judge thereof, upon the day of adjournment of said court, to make an order upon the minutes of said court, directing and requiring the clerk of said circuit court to deliver to the judge of said county court all indictments then pending and untried in said circuit court against persons charged with the commission of misdemeanors, together with all papers and a certified copy of all docket entries and minutes of proceedings had therein, in said circuit court; and upon the transfer and delivery of the same, the jurisdiction of said circuit court shall cease, and exclusive jurisdiction thereof shall vest in said county court. Cases transferred from circuit court.

SEC. 3. *Be it further enacted*, That prosecutions may be instituted or commenced in said court as is now provided by law in county courts, to be thereafter subject to the provisions of this act.

SEC. 4. *Be it further enacted*, That all indictments Indictments. for misdemeanors, that may hereafter be preferred by the grand juries of said county, must be returned by the clerk of the said circuit court to the judge of the said county court, and filed in said county court, and process to be issued by the clerk of said county court; and all proceedings had in such causes as is now had in the circuit court, except as may be hereinafter provided.

SEC. 5. *Be it further enacted*, That said county court shall conform to the practice and rules of procedure of the circuit courts of this State.

SEC. 6. *Be it further enacted*, That said county court shall be held, and the office of the clerk thereof shall be kept, at the court house of said county of Wil- Terms of county court.

cox ; said court shall hold regular terms on the fourth Monday of each month, and may continue in session until the business of said court is disposed of ; the regular terms in January and July in each year shall be the terms for the trials of causes in which juries have been demanded.

SEC. 7. *Be it further enacted*, That the clerk of the circuit court shall be *ex-officio* clerk of the said county court.

Jury trials.

SEC. 8. *Be it further enacted*, That every person charged, either by complaint or indictment, with the commission of a misdemeanor, shall be entitled to a trial by jury ; *Provided*, Such person makes a demand therefor before the first day of the next regular term of said county court after he is arrested or taken into custody ; *And provided further*, That any person so arrested or taken into custody within three days of the next regular term of said county court, shall have until the cause is called for trial to demand a jury trial.

Causes continued.

SEC. 9. *Be it further enacted*, That whenever a jury trial is demanded, as provided in section 8, the judge of said court must make an order continuing the cause to the next jury term of said court, and make an order requiring the defendant, or defendants, to give bail for their appearance at such jury term, and from term to term thereafter until discharged by law, and may bind over the witnesses to appear at such term to which said cause is continued, and from term to term thereafter until such cause is disposed of.

Drawing juries.

SEC. 10. *Be it further enacted*, That the petit jurors for each jury term of said county court shall be drawn and empaneled in the same manner as is, or may be, provided by law for petit jurors in the circuit courts of the State, and *venires* for such jurors shall be issued and executed in the same manner as for circuit courts ; and said county court shall have the same powers to issue special *venires*, and to call in tales jurors, as the circuit court now has, or may hereafter have, except so far as is altered by this act ; *And provided*, That the jurors empaneled at each jury term shall serve for the whole term, unless excused by the court.

General laws applicable.

SEC. 11. *Be it further enacted*, That all laws of a general nature now in force, or that may be hereafter enacted, so far as the same apply to misdemeanors,

unless the contrary be expressly provided, or as may be limited by this act, shall be held to apply and extend to said county court.

SEC. 12. *Be it further enacted*, That there may be such temporary adjournments of said court as may be deemed expedient and proper by the judge thereof.

SEC. 13. *Be it further enacted*, That if the judge of said county court fails to open said court on the first day of any regular term, that the sheriff must adjourn the court from day to day, for not more than three days, after which time, if the judge still fails to attend, the court will stand adjourned until the next regular term. Sheriff may adjourn court.

SEC. 14. *Be it further enacted*, That the judge may call a special jury term whenever he deems it necessary; twenty days notice of such term must be given, by publication in some newspaper published in said county. Special terms.

SEC. 15. *Be it further enacted*, That all appeals from said county court shall be to the supreme court of the State of Alabama, and that the laws now in force, or that may be hereafter enacted, governing or applying to misdemeanors from the circuit courts of the State, shall apply to appeals from said county court. Appeals

SEC. 16. *Be it further enacted*, That the solicitor of the circuit in which said county of Wilcox now is, or may hereafter be, shall be the prosecuting officer before said county court, and all laws applying to his duties, as such officer in the circuit court, shall apply to said county court, and that his fees in said county court shall be the same as in the circuit court; *Provided*, That in the absence of the circuit solicitor the court may appoint a solicitor *pro tempore*, who shall be governed by the same laws applicable to the circuit solicitor, and receive the same fees and commissions. Solicitor is prosecuting officer.

SEC. 17. *Be it further enacted*, That the fees of the judge of said court shall be the same as is now, or may be hereafter, provided for the judges of the county courts of the State; and the fees of the clerk of the said county court shall be the same as is now, or as may hereafter be, allowed to clerks of the circuit courts; that the fees of the sheriff shall be the same as is now, or may hereafter be, allowed in the circuit court; that the jurors' and witnesses' fees shall be the same as is now, or Fees.

may hereafter be, allowed in the circuit courts of the State.

SEC. 18. *Be it further enacted*, That all laws and parts of laws in conflict with this act be, and the same are, hereby repealed.

Approved February 23, 1881.

No. 235.]

AN ACT

[H. B. 422.

To make an additional appropriation out of the general school fund to the county of Winston.

Additional
fund.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That before making the apportionment of the amount of the school fund certified by the Auditor, as is now or may be required by law, the Superintendent of Education shall first set apart for the county of Winston, in the same manner as the appropriations for the normal schools are set apart, annually, the sum of eight hundred dollars as a special fund for the public schools for the white race in said county, which amount shall be in addition to the regular apportionment for the public schools of said county, and the Auditor shall draw his warrant on the State Treasurer for the amount above mentioned in favor of the county superintendent of education, annually, on or before the first day of May.

SEC. 2. *Be it further enacted*, That said amount shall not be treated or considered as a part of the general apportionment to said county as now provided by law.

Duty of county
superintendent.

SEC. 3. *Be it further enacted*, That it shall be the duty of the county superintendent of education of said county of Winston to set apart for each township in said county, out of the amount above named, the sum of fifty dollars, commencing on the first day of October, A. D. 1881.

How fund is to
be used.

SEC. 4. *Be it further enacted*, That the amount appropriated and set apart by this act shall be applied to but one school in each township, which school shall be located as near the centre of the township as may be determined by the patrons residing in such township,

at an election to be held for that purpose as herein-after provided.

SEC. 5. *Be it further enacted*, That it shall be the duty of each township superintendent of public schools in the county of Winston to appoint a day upon which an election shall be held for the purpose of determining the location of the school of his township provided for by this act, and shall give notice of the time and place of holding such election, by posting written notices in at least three public places in such township, for thirty days prior to the day fixed for such election, which said notices shall set forth the purpose of said election. The township superintendent shall also appoint three inspectors to manage such election, who shall take an oath to conduct the same fairly; and they may appoint clerks.

Location of
schools.

SEC. 6. *Be it further enacted*, That a majority of the votes cast at said election, shall be required to determine the location of such school; *Provided*, Said location is not more than one mile from the centre of the township.

SEC. 7. *Be it further enacted*, That the amount herein provided for shall not be used for any other purpose than the payment of teachers of the schools provided for by this act, and the compensation of the county superintendent of education, as may be allowed by law, and said amount shall be paid upon the certificate of the township superintendent.

SEC. 8. *Be it further enacted*, That any of the fund which may remain unexpended, under the provisions of this act, shall be carried forward to the credit of such township for the succeeding year.

Unexpended
fund.

SEC. 9. *Be it further enacted*, That nothing in this act shall be so construed as to interfere, in any way, with the laws now in force, relating to public schools in this State, and in the county of Winston.

SEC. 10. *Be it further enacted*, That the general school law shall apply to, and govern, the public school teachers and school officers provided for herein, except as otherwise required by this act.

Approved February 28, 1881.

No. 236.]

AN ACT

[H. B. 4.]

To incorporate the Magnolia Hook and Ladder Company of Tuskegee.

Names of incorporators,
name of company and powers and privileges granted.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That for the purpose of protecting property from fire in the town of Tuskegee, Jason Bradley, Monroe Stewart, Porter Johnson, David Breedlove, Gilbert Patterson, Lewis Adams, John Lowe, E. E. Cunningham, Calhoun Cunningham, Solomon Prince, A. J. Welborn, Riley Chappell, Robert Chappell, Mach. Williams, Mack Howard, Samuel Irvin, Nelson Huffman, Booker Alexander, Jefferson Thomas, Howell Lovett, and their successors, are constituted and ordained a body corporate under the name of "The Magnolia Hook and Ladder Company," by which name they may purchase, convey and hold, real and personal property, may sue and be sued, plead and be impleaded, answer and be answered, in all of the courts of this State. Said company may adopt a constitution and by-laws, not inconsistent with the constitution and laws of this State, or of the United States, and may enforce the same by appropriate fines and penalties. The officers of said company shall be a president, foreman, first, second and third assistant foremen, secretary and treasurer, to be elected by a majority vote of the members present at the meeting at which such election shall occur, and who shall hold their offices for the term of one year, and until their successors are installed; and any one of said officers may be removed from office by a vote of two-thirds of the members of the company. Vacancies, created by removal or any other cause, to be filled by elections, as hereinbefore provided; the persons elected to fill them to hold until the next regular election. Said company shall meet at least once a month for drill and exercise, with their engine, ladders and other implements; shall promptly respond to all fire alarms, and faithfully perform all work and service that may reasonably be required of a fire organization. Said company shall have power to admit additional members such additional members to be entitled to all the rights and exemptions, and to be subject to all the obligations, of

the original corporators; *Provided*, That at no time shall said company contain more than thirty members. The members of said company shall be exempt from service as jurors in all the courts of the State, and from work on public roads of Macon county and the streets of Tuskegee, and from the payment of street tax in said town; *Provided*, That no one shall be so exempt who habitually absents himself from the meetings of the company, or neglects any other of his duties as a member thereof. The secretary of said company shall, before the first day of February of each year, file with the sheriff of Macon county, and with the marshal of Tuskegee, correct lists of the members of said company, attested by affidavit made before a legal officer, and shall also furnish to said officers, within thirty days of their admission, the names of all new members admitted to said company, and shall, within a like period, give notice to said officers of the expulsion of any member or members. Whenever a written complaint is filed by any citizen of the town of Tuskegee with the mayor of said town, alleging that said company has failed to hold a meeting for three consecutive months, or that said company has grossly neglected or failed to discharge the duties herein required of it, the officers of said company shall be summoned to appear before the mayor and town council, on a day not less than ten days from the filing of the complaint, and an issue shall thereupon be made up on the allegations of said complaint, and if the said mayor and council shall decide that the allegations are true, then this charter may be declared by said mayor and council as forfeited, and the property belonging to said company shall vest in, and belong to, the town of Tuskegee, through the town council; *Provided*, That an appeal may be taken by said company from the decision of said mayor and council, to the next term of the circuit court of Macon county, on making bond for the costs of said appeal; and an issue shall be made up in said court between the town council and the company, which shall be tried as in cases of appeals from justices of the peace, and if the judgment of said court shall be adverse to said company, then judgment may be rendered against the obligors in said bond for the costs of said appeal. The corporators, hereinbefore named, shall hold a meeting

within thirty days after the date of the approval of this act, to organize said company, and at said meeting shall elect and install the officers herein provided for, and every twelve months thereafter shall elect and install said officers.

Approved November 26, 1880.

No. 237.]

AN ACT

[H. B. 148.]

To amend section three of "An act to establish a new charter for the city of Talladega, and to repeal all acts in contravention therewith," approved March 1, 1870.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 3 of "An act to establish a new charter for the city of Talladega, and to repeal all acts in contravention therewith," approved March 1, 1870, be, and the same is, hereby amended to read as follows:

Section amended.

Election day for mayor and aldermen first Tuesday after the first Monday in April, 1881, and every two years thereafter.

Sec. 3. *Be it further enacted*, That the government of said corporation shall consist of, and its corporate powers exercised by, a mayor and eight aldermen, who shall be elected on the first Tuesday after the first Monday in April, 1881, and every two years thereafter on the first Tuesday after the first Monday in April, by ballot, by the male inhabitants of said city of the age of twenty-one years, who have resided therein for six months next preceding such election; such election shall be held by and under the direction of the sheriff of Talladega county, at the courthouse in the city of Talladega, and such additional voting places as the board of mayor and aldermen may, if they deem it expedient, by ordinance prescribe; said sheriff shall give ten days notice of said election, by publication in some newspaper published in said city, and shall appoint three inspectors and one returning officer for each voting place, and he shall conduct said election in the same manner as elections for members to the General Assembly, unless otherwise directed by the charter. The inspectors at each voting place shall certify to the result at each poll, and each returning officer shall make return of his poll to the sheriff, who shall decide the election, giving the

How notice shall be given and election conducted.

casting vote, if any two or more shall have an equal number of votes, and shall give a certificate of election to the persons declared elected. The persons so elected shall, before entering upon the duties of their respective offices, take, and file with the judge of the probate court of said county of Talladega, the oath of office prescribed by the constitution or laws of the State of Alabama, of which a record shall be kept in the office of said probate court. The said mayor and aldermen shall continue in office for two years from the date of their election, and until their successors are elected and qualified. If from any cause said election should not be held at the time prescribed, the said sheriff shall appoint another day, not more than thirty days from the time when such election should have been held, of which he will give like notice, and on the day appointed shall open and hold said election, in the manner above provided; and if from neglect or failure of the sheriff, or from any other cause, an election for mayor and aldermen shall not be held on the day prescribed by law, nor within thirty days, as above provided, then it shall be the duty of the mayor of said city to appoint a day for holding such election, not more than sixty days after such regular day, of which he shall give the same notice, and on the day so appointed shall hold said election in the same manner as is above provided; and for the purpose of holding and compelling such election, the mayor shall be invested with all the powers and subject to all the duties of the sheriff, as above set forth.

SEC. 2. *Be it further enacted*, That said section 3 of said act, as it now stands, be, and the same is, hereby repealed.

Approved November 29, 1880.

No. 238.]

AN ACT

[H. B. 8.]

To extend the charter of the Mobile Savings Bank, and amend the provisions thereof.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the act entitled "An act to incorporate

Corporation extended twenty years from February 7th, 1882.

Duties and powers of the corporation as to receiving deposits and paying out same.

Limit on receipts.

Capital not to be diminished.

Investment of funds.

Discount business authorized.

the Mechanics Savings Company of Mobile," approved February 7, 1852; and the act entitled "An act to amend the act incorporating the Mechanics Savings Company of Mobile," approved November 23, 1854; and the act entitled "An act to amend the laws relative to the Mobile Savings Company," approved February 10, 1860, be amended so as to read as follows: Section 1. The present holders of the capital stock of the Mobile savings bank, in the port of Mobile, and their successors, be recognized and held, and they are hereby declared to be, a body corporate by the name and style of the Mobile Savings Bank, and the said corporation is hereby extended for the term of twenty years, from February 7, 1882. Sec. 2. The objects and duties of said corporation shall be to receive on deposit, for safe keeping, the savings of working people and others, and give to such depositors receipts or other evidences of such deposits; to pay to said depositors interest as may be agreed upon between said corporation and such depositors, or as may be provided by the by-laws of said corporation, in the absence of such special agreement, and to repay to the said depositors, or their assigns, the principal of their said deposits, upon the surrender to said corporation and cancellation of the certificate, or other evidence of deposit. Sec. 3. Said corporation shall not be compelled to receive on deposit, at any one time, any sum less than five dollars, nor to pay interest on deposits unless, or until, the amount of twenty-five dollars has been deposited, or accumulated by such depositor. Sec. 4. With the view of securing to depositors the amount they may have deposited, or may deposit with said corporation, the capital now accumulated by said corporation shall not be diminished. Sec. 5. Said corporation may invest its funds, or any portion thereof, in any bonds or corporate stock authorized by the laws of this State, or of the United States, and may also make loans on unincumbered real estate, with note, or bond and mortgage security. Sec. 6. Said corporation is hereby authorized and empowered to engage in, and carry on, the business of a bank of discount and deposit, but not of circulation, and may buy and sell and discount bills of exchange, promissory notes, bonds, and commercial securities. Sec. 7. Said corporation may have a common seal, and sue and

be sued, at law and in equity; it may acquire and hold real estate necessary or convenient for its business purposes, and also such real property as may be taken in payment of debt, or obtained by legal collection of its dues; and may lease out, and rent, or sell, such real property as it may acquire, not necessary to be retained for its own use and business. Sec. 8. The business of said corporation shall be managed by seven directors, to be annually elected by the stockholders, of whom one, to be chosen by said directors, shall be president. Said directors may appoint a cashier, and such other officers and servants as the business of the corporation may require; and may take from such officers and employes bond and security for the faithful performance of their respective duties, and fix the compensation of such officers and employes; and may make such by-laws and regulations for the government of the corporation, the management of its business, and the transfer of stock therein, as they see fit, not inconsistent with the laws of this State, and of the United States. Sec. 9. The stock held by any shareholder in said corporation shall be, and remain, pledged thereto for the payment of all debts and liabilities of its owner to said corporation, and no transfer thereof shall be valid until all such indebtedness and liability be fully paid and discharged.

Right to a common seal and to hold and acquire real property.

Officers of the corporation and how selected.

Stock liable for debts of owner to corporation.

Sec. 2. *Be it further enacted*, That all parts of said acts in the first section of this act named, not herein and hereby re-enacted, be, and the same are, hereby repealed.

Sec. 3. *Be it further enacted*, That the provisions of this act shall take effect on the 7th day of February, 1882, and not before; and this act is passed, and the charter of the Mobile savings bank is hereby renewed and extended, upon the conditions contained in article fourteen, section three of the Constitution of Alabama, and upon that condition this extension and renewal is to be held and taken by the said Mobile savings bank.

Approved November 30, 1880.

No. 239.]

AN ACT

[H. B. 77.]

To prohibit the sale of malt, vinous and spirituous liquors, or other intoxicating drinks, within two miles of the Methodist and Baptist churches at or near Verbena, on the South and North Alabama railroad, in the county of Chilton.

Sale of liquor prohibited in certain distance from Methodist and Baptist churches at or near Verbena.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act, it shall be unlawful for any person or persons to sell, vend, exchange, barter away, or in any manner dispose of, any malt, vinous or spirituous liquors, or other intoxicating drinks of any kind whatever, within the distance of two miles, in every direction, from the Methodist and Baptist churches at or near Verbena, a station on the South and North Alabama railroad, in the county of Chilton; and it shall not be lawful to issue a license authorizing any person or persons to sell, vend, exchange, barter away, or otherwise dispose of, any malt, vinous and spirituous liquors, or other intoxicating drinks, within the limits aforesaid.

Not to apply to persons who now have license until license time expires.

SEC. 2. *Be it further enacted*, That the provisions of this act shall not apply to any person who now has a license to retail liquors within said limits, until after the expiration of the time for which said person has a license; *And provided*, That nothing herein contained shall be so construed as to prevent physicians from administering stimulants to their patients when necessary.

Penalty for violation.

SEC. 3. *Be it further enacted*, That if any person shall violate, or in any manner evade, or attempt to evade, or aid in evading, any of the provisions of this act, he or they shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than one hundred dollars, and may be imprisoned in the county jail not less than thirty days, at the discretion of the judge trying the case.

SEC. 4. *Be it further enacted*, That this act shall be given in charge to the grand juries at each and every term of the circuit court of said county.

SEC. 5. *Be it further enacted*, That all laws contravening the provisions of this act be, and the same are, hereby repealed.

Approved November 29, 1880.

No. 240.]

AN ACT

[H. B. 125.]

To prohibit the sale of vinous or spirituous liquors within the limits of Union precinct, in Greene county, Alabama, except on the recommendation of a majority of the freeholders of said beat.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That no license must be granted to sell vinous or spirituous liquors within the limits of Union precinct, in Greene county, unless the applicant produce to the judge of probate of said county, or to the person authorized by law to grant such license, the recommendation and consent of a majority of the freeholders of said precinct.

Sale of liquor prohibited in limits mentioned except on proper recommendation

SEC. 2. *Be it further enacted,* That any officer or person authorized by law to grant a license to sell vinous or spirituous liquors, who shall issue or grant a license to any one to sell vinous or spirituous liquors within the limits of Union precinct, in said county of Greene, without the recommendation and consent of a majority of the freeholders of the said precinct, must, on conviction thereof before the circuit court of Greene county, be fined not less than fifty nor more than five hundred dollars.

Penalty for violations.

SEC. 3. *Be it further enacted,* That any person who shall sell, or give in exchange for any other article, any vinous or spirituous liquors, within the limits of Union precinct, in Greene county, without having first procured a license from the judge of probate of said county, or from the person authorized by law to grant such license, issued upon the recommendation and consent of a majority of the freeholders of said precinct, must, on conviction before the circuit court, be fined not less than twenty nor more than five hundred dollars; and in the event said fine and the costs are not paid, or secured, said party may be sentenced, by the court trying the cause, to hard labor for the county for a term not exceeding six months.

Approved November 29, 1880.

No. 241.]

AN ACT

[H. B. 177.]

To prevent the sale of spirituous, vinous or malt liquors within three miles of Salem Baptist church, in Tus-kaloosa county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act it shall be unlawful for any person to sell, or give away, or in any way dispose of, any spirituous, vinous or malt liquors, within three miles of Salem Baptist church, situated near the town of New Lexington, in the county of Tuskaloosa; and any person violating the provisions of this act shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than twenty nor more than five hundred dollars.

Approved November 29, 1880.

No. 242.]

AN ACT

[H. B. 190.]

To prohibit the sale, giving away, or otherwise disposing of, any spirituous, vinous or malt liquors, or any intoxicating beverage, within five miles of Ten Island Baptist church in Calhoun county, Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the first day of January, one thousand eight hundred and eighty-one, it shall be unlawful for any person or persons to sell, give away, or otherwise dispose of, any spirituous, vinous or malt liquors, or any intoxicating beverage, within five miles of Ten Island Baptist church, Calhoun County, Alabama.

SEC. 2. *Be it further enacted*, That any person or persons violating the provisions of this act shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than fifty nor more than two hundred dollars, and may also be imprisoned in the county jail or sentenced to hard labor for the county not exceeding six months.

Approved November 29, 1880.

No. 243.]

AN ACT

[H. B. 19.]

To prohibit the sale, or otherwise disposing of, spirituous, vinous or malt liquors, in beat 6, in Chambers county, Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act it shall be unlawful for any person or persons to sell, or otherwise dispose of, any spirituous, vinous or malt liquors, in beat 6, in Chambers county, Alabama.

SEC. 2. *Be it further enacted*, That any person violating the provisions of the first section of this act shall be deemed guilty of a misdemeanor, and, on conviction, shall be fined in a sum not exceeding five hundred dollars, and may also be imprisoned in the county jail or sentenced to hard labor for the county for a period not exceeding twelve months.

Approved November 29, 1880.

No. 244.]

AN ACT

[H. B. 55.]

To prohibit the sale, giving away, or dealing in spirituous liquors, within one and one-half miles of Asbury Camp Ground, in Monroe county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act it shall be unlawful for any person to sell, give away, or deal in spirituous, malt or vinous liquors, within one and one-half miles of Asbury Camp Ground, in the county of Monroe.

SEC. 2. *Be it further enacted*, That any person violating the provisions of the foregoing section shall be guilty of a misdemeanor, and, on conviction, shall be fined not exceeding one hundred dollars.

Approved November 29, 1880.

No. 245.]

AN ACT

[H. B. 91.]

To repeal an act approved December 5, 1878, to prevent the sale, or giving away, of spirituous or vinous liquors, within two miles of the town of Madison, in the county of Madison.

SECTION 1. *Be it enacted by the General Assembly of Alabama.* That an act entitled "An act to prevent the sale, or giving away, of vinous or spirituous liquors within two miles of the town of Madison, in the county of Madison," approved December 5, 1878, be, and is, hereby repealed.

Approved November 29, 1880.

No. 246.]

AN ACT

[H. B. 23.]

To prohibit the sale, giving away, or otherwise disposing of, spirituous, vinous, or malt liquors, within two and one-half miles of the Forest Home (Methodist) church in Butler county, Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama.* That from and after the passage of this act, it shall be unlawful for any person to sell, give away, or otherwise dispose of, spirituous, vinous, or malt liquors, within two and one-half miles of Forest Home (Methodist) church, in Butler county.

SEC. 2. *Be it further enacted.* That any person who shall violate the provisions of this act shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than fifty nor more than five hundred dollars, and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than three months.

Approved November 29, 1880.

No. 247.]

AN ACT

[s. 59.]

To amend sections 1206 and 1211 of the Code, (in relation to the city of Opelika.)

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 1206 of the Code be amended so as to read as follows:

§ 1206. *City Board of Trustees.*—The public schools of the city of Opelika shall be under the control of the city board of trustees, consisting of five members, to be elected by the city council of Opelika at their first meeting in January, 1881, and every two years thereafter, of whom three shall constitute a quorum for the transaction of business.

SEC. 2. *Be it further enacted*, That section 1211 of the Code of Alabama be amended so as to read as follows:

§ 1211. *Approval and Payment of Teachers' Accounts.*—The accounts of teachers for services rendered in the public schools of the city of Opelika, when approved by the board of trustees, shall be paid by the county superintendent of education of Lee county, on the first Saturday in each month.

SEC. 3. *Be it further enacted*, That all laws in conflict with the provisions of this act be, and the same are, hereby repealed.

Approved December 2, 1880.

No. 248.]

AN ACT

[s. 10.]

To prohibit the sale and giving away of whisky, or other intoxicating liquors, within six miles of the Baptist church in the village of McKinley, in Marengo county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That on and after the passage of this act it shall be unlawful to sell or give away whisky, or other intoxicating liquids, within six miles of the Baptist church in the village of McKinley, Marengo county; *Provided*, This act shall not be construed so as to pre-

vent the use of wine for sacramental purposes, or to abridge the privilege of serving liquors at private residences.

SEC. 2. *Be it further enacted*, That any person who shall be found guilty of violating this act shall be fined not less than fifty nor more than two hundred dollars, and may be imprisoned for three months in the county jail.

Approved December 2, 1880.

No. 249.]

AN ACT

[s. 5.

To prohibit the sale of spirituous, vinous, or malt liquors, within three (3) miles of Rock Spring church, in Lee county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act it shall be unlawful for any person to sell spirituous, vinous, or malt liquors, in any quantity, within a radius of three miles of Rock Spring church, Lee county, Alabama.

SEC. 2. *Be it further enacted*, That any person violating the provisions of the preceding section shall be guilty of a misdemeanor, and shall, upon conviction, be fined not less than fifty dollars nor more than five hundred dollars, and may also be sentenced to hard labor for the county for not exceeding six months.

Approved December 2, 1880.

No. 250.]

AN ACT

[s. 60.

To repeal "An act to prohibit the sale of spirituous or vinous liquors within two miles, in any direction, of Glennville male and female academy, in the county of Russell," approved December 19, 1871.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act entitled "An act to prohibit the sale of spirituous or vinous liquors within two miles.

in any direction, of Glennville male and female academy, in the county of Russell," approved December 19, 1871, be, and the same is, hereby repealed.

Approved December 2, 1880.

No 251.]

AN ACT

[H. B. 57.]

To repeal so much of an act, passed February 5, 1872, entitled "An act to prevent the sale of spirituous or vinous liquors within three miles of Liberty, Midway and Rehoboth churches," as relates to Liberty church.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That so much of an act, passed February 5, 1872, entitled "An act to prevent the selling of spirituous or vinous liquors within three miles of Liberty, Midway and Rehoboth churches, in beats Nos. 9 and 11, in the county of Montgomery," as relates to Liberty church, be, and the same is, hereby repealed.

Approved December 2, 1880.

No. 252.]

AN ACT

[s. 105.]

To authorize and empower the corporate authorities of the city of Troy, in Pike county, to compromise and arrange the present indebtedness of Troy, commonly known as the railroad, or bonded, indebtedness of Troy, by issuing and substituting new bonds for the present bonds, upon such terms and conditions as shall be agreed upon by and between the corporate authorities and the holders of said bonds.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the corporate authorities of the city of Troy, in Pike county, are authorized and empowered to compromise and adjust the indebtedness of Troy, growing out of the issue of bonds of the town of Troy, now the city of Troy, to aid, or secure, the extension of the Mobile and Girard railroad to said Troy, the original

Compromise of
indebtedness
authorized.

amount being sixty-five thousand dollars, or about that sum.

Powers granted in the premises as to issue of bonds.

Sec. 2. *Be it further enacted*, That in order to effect, meet, and carry out, a compromise of said indebtedness, said corporate authorities are expressly vested with all necessary powers and authority, and they may issue new bonds in exchange for the old, and indebtedness accrued thereon; said new bonds shall be payable in annual installments of one-twentieth thereof, and may bear interest, not exceeding six per centum per annum, so that the entire indebtedness will fall due in twenty years. The installments and the interest shall be payable at such times and places as may be mentioned on the face thereof, and the bonds shall be in sums not exceeding one hundred dollars; the bonds and the coupons thereto attached, and the coupons when detached, shall be transferable, by delivery, so as to authorize the holder thereof to maintain any suit and enforce any right thereto belonging, and each shall express on its face that it is payable to bearer. Said bonds shall bear interest from such time as may be named on their face, but the coupons shall bear no interest.

Description of bonds and coupons.

Sec. 3. *Be it further enacted*, That the annual installments falling due upon said bonds, and the annual interest falling due thereon, shall be designated and embraced in coupons attached to said bonds; said coupons shall designate when payable, the amount and number of the bond to which it belongs, so as to identify the coupon with its bond. Said coupons, or any number of them, may be detached from said bonds and transferred without affecting their validity; but when all the coupons are detached, the bonds from which detached shall become invalid, and shall be deemed and held paid, because the coupons represent the full amount of the indebtedness that accrues for, and on account of, said bonds, said bonds being payable in annual installments, and the coupons calling for the amount of such installment and the annual interest, and the bonds shall on their face express that the payment of the coupons is a payment of the bonds.

How signed.

Sec. 4. *Be it further enacted*, That the bonds and coupons shall be signed by the mayor and shall have the corporate seal impressed thereon.

SEC. 5. *Be it further enacted*, That the coupons of said bonds shall be receivable in payment of the tax collectable under this act, but only such coupons as are past due, or falling due, the year the tax is collected, shall be so received in payment of said tax; but neither the corporate authorities, nor the collector, nor the receiver of taxes shall be required to make or give change for, or on account of, said coupons.

Coupons due
receivable for
taxes due un-
der this Act.

SEC. 6. *Be it further enacted*, That the collector of the tax under this act shall give to the tax payer a receipt, showing the amount paid by him in coupons, the number of the coupon, and other description, so as to identify it, and also the amount paid in money; and such receipt shall have a stub, from which it is taken, showing the same facts, and the name of the person paying, and the time when paid. Such stub shall be kept by the collector of taxes; the collector of the taxes shall also keep a book, in which shall be entered a similar description of the coupons received by him in payment of taxes; said book, and said stub book, and the said coupons, shall be presented by him to the corporate authorities at their first meeting after the reception of the same, who shall examine and compare them, to ascertain their correctness, and then burn the coupons in their presence, and enter on the stub, and on the other book referred to herein, the word "burned," which shall be done by the mayor, or acting mayor, and signed by him. The officer who pays any of said coupons shall keep a book in which he shall enter the number and description of each coupon he pays, the time when, and to whom paid, which book, and the coupons he pays, shall be presented to the corporate authorities, at the first meeting after their reception, who shall examine the same and ascertain their correctness, and then shall burn the same, and make an entry in said book, "burned," which shall be done and signed by the mayor, or acting mayor. All of said books shall be open and free for the inspection of any bond or coupon holder, or any tax payer, at all reasonable hours. Coupons shall not be paid till the same fall due.

Tax collector's
receipt and his
connection
therewith.

SEC. 7. *Be it further enacted*, That any officer, or person, who makes any false or fraudulent entry, or fails to make any entry in said books required in the

False entries or failure to make proper entries, and punishment therefor.

preceding sections, shall be guilty of a misdemeanor, and, on conviction, may be fined not more than one thousand dollars, and may also be imprisoned in the county jail or sentenced to hard labor for not more than twelve months; and the penalty shall be the same on any such person who fails to present said book and coupons to the corporate authorities, as required.

Record of bonds to be kept.

SEC. 8. *Be it further enacted*, That the corporate authorities shall keep a book in which shall be kept a memorandum of the new bonds issued, when, and to whom issued, and the number and date of the old bonds surrendered, or given in exchange therefor.

As to special tax.

SEC. 9. *Be it further enacted*, That the corporate authorities of Troy are empowered to prescribe, by ordinance, all rules and regulations necessary and incident to the assessment, levy, and collection of the tax provided for under this act; but the assessment shall be left for inspection, objection, and correction, in the council chamber, or mayor's office, for ten days before the levy of the tax, as prescribed in the charter of Troy. The corporate authorities may become the purchaser of any property sold for tax levied under this act, and the title thereto shall be in the corporate name. Upon a sale of any real estate for tax levied under this act, the corporate authorities shall cause a quit-claim deed of conveyance to be executed and delivered to the purchaser, which shall be signed by the mayor, and under said deed, suit may immediately be brought for the recovery of the property conveyed, in ejectment, or on a motion in the nature of ejectment, as prescribed by the Code of Alabama of 1876; but no deed shall be delivered till the purchase money is actually paid, and coupons shall not be receivable in payment of such purchase money; but said property shall be redeemable by any person who has a *bona fide* claim thereto, or is in any way interested therein by having a lien or mortgage thereon, or being purchaser from the owner before or after said sale, by paying the amount of the purchase money, taxes of all kinds that have been paid thereon from the date of sale, and interest thereon, at twelve per cent. per annum, and the value of all permanent improvements, such value to be determined as prescribed in the Code of Alabama of 1876, for redemption of real estate. Application to

redeem must be made within two years from the day of sale. The redemption may be made before the treasurer, clerk, mayor, or other person whom they may designate by ordinance, and ample facility for redemption shall be given. Upon redemption, the person receiving the redemption money shall give a certificate of the fact, and of the redemption, to the person who redeems, who thereupon may sue for the recovery back of said property, as provided for the purchaser.

SEC. 10. *Be it further enacted*, That said corporate authorities are authorized and empowered, for the purpose of this act, to issue any character of bonds, coupons, or obligations, not contrary to the constitution, other than such as are herein specified, and may add to, or leave out, any of the terms or stipulations of said bonds or coupons herein specified, or add other terms and stipulations thereto; and that, either in whole or in part.

SEC. 11. *Be it further enacted*, That to pay said bonds, coupons or other obligations, issued under this act, said corporate authorities are authorized and empowered to assess, levy and collect, and it shall be their duty so to do, a tax, at least annually, upon the real estate situated in the corporate limits of Troy, as now bounded; and if additional territory should be added hereafter, then upon such additional estate also; the rate of tax shall not exceed one per centum of the value thereof. But if the tax so levied shall not be sufficient in any year to pay off and discharge the sums falling due in such year, created under this act, then it shall be the duty of the corporate authorities, and they are authorized and empowered to apply as much of the general tax on personal property and other funds of said corporation, raised from licenses or other manner, as may be necessary to fully pay off said above named amount.

The authority granted to levy sufficient tax.

• SEC. 12. *Be it further enacted*, That as soon as bonds and coupons, or other obligations, are issued under this act, the clerk of said corporation shall increase his official bond to double the amount of the probable annual taxes to be raised under this act; or instead of that, he may give an additional bond in said amount, payable to the said corporate authorities, and conditioned faithfully to discharge his duties as to the collection, turn-

Clerks bonds to be increased.

ing over, paying out or disbursing said taxes, and any and every other duty connected therewith. If such official bond is not so increased, or an additional one given, as herein provided, in fifteen days after said bonds and coupons or other obligations are issued, his office shall be vacated, and a new clerk elected or appointed. No informality in any bond shall be held to affect it, but the signers thereof shall be bound for all faults and failures of duty of the principal, so far as this act is concerned, and the taxes raised thereunder, and the duties imposed or growing out of this act. After the issuance of said bonds and coupons or obligations, in addition to the ordinary sum, the clerk's official bond shall be double the probable amount of tax to be raised under this act, or in addition to the official bond an additional one shall be given, as herein prescribed, and each of said bonds shall have at least two good and sufficient sureties, and additional surety shall be required at any time by the corporate authorities.

Penalties.

SEC. 13. *Be it further enacted*, That any person, who in an official capacity, or otherwise, applies any of the said taxes, or authorizes any portion, or all thereof, to be applied to any purpose, other than the payment of the bonds and coupons, or other obligations issued under this act, shall be personally liable therefor, and shall also be guilty of a criminal offense, and, upon conviction, shall be punished as if such person had stolen the same.

Approved December 3, 1880.

No. 253.]

AN ACT

[H. B. 220.]

To prohibit the sale, or giving away, or otherwise disposing of, spirituous, vinous, or malt liquors within ten miles of the town of Woodstock, in Bibb county, Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act it shall be unlawful for any person or persons to sell, give away, or otherwise dispose of, any spirituous,

vinous, or malt liquors within ten miles of the town of Woodstock, in Bibb county, Alabama.

SEC. 2. *Be it further enacted*, That any person violating the provisions of this act shall, on conviction, be fined not exceeding two hundred dollars, and may also be imprisoned in the county jail or put to hard labor for the county not exceeding three months, at the discretion of the court or jury trying the same.

Approved December 6, 1880.

No. 254.]

AN ACT

[s. 13.

To amend "An act to incorporate the Gulf Mining Company," approved February 23, 1876.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act entitled "An act to incorporate the Gulf Mining Company," approved February 23, 1876, be, and the same is, hereby amended so as to read as follows: Section 2. *Be it further enacted by the General Assembly of Alabama*, That James Crook, Jonathan N. Smith, Thomas A. Walker, Burwell B. Lewis and Hugh A. Haralson, and such other persons as may be associated with them, and their successors, be, and are, hereby constituted a body corporate, by the name and style of Bright Hope Manufacturing Company, and by that name may hold, purchase, mine, and enjoy, to them and their successors, lands, tenements and hereditaments, unto profits, goods and property, of whatever kinds, nature, quality and quantity, as may be by them deemed necessary, convenient or useful, in the digging, raising, mining, coking, transporting and selling of coal, iron ore, and all other minerals, and in making, smelting, coking and manufacturing of all kinds of iron, steel, and other minerals, transporting and selling the same for a consideration, and erecting and constructing furnaces and rolling mills, and operating the same; also, said corporation shall have full power to manufacture wool and cotton into thread, yarn and cloth; to make bagging and rope; erect mills to make corn and wheat into meal, grits and flour; build dams, cut races and canals, to manufact-

Names of corporators, powers and privileges granted.

ure all kinds of lumber, shingles, sash, blinds, doors, buckets and hollow ware, or such branches or parts thereof as said company may see proper to engage in, and to sell all such goods, wares and merchandise manufactured in whole, or in part, by said corporation, and transport all persons and freight, by rail or water, for a consideration; also, said corporation shall have power to sue and be sued, plead and be impleaded, in all courts having jurisdiction; they may make a common seal, and alter the same at pleasure; they may elect such officers, boards of directors, enact such by-laws, appoint such agents, and adopt such ordinances as they deem necessary for the organization, the government and the successful operation of the company, not inconsistent with the laws of the land, and may do all things, and make all contracts, which may be useful, needful, or convenient, to carry out the purposes of said company; and may likewise sell, grant, demise and dispose of any or all of the lands, personal property, stock or interest whatever, in said corporation. Section 3. *Be it further enacted*, That the capital stock of said company shall be five hundred thousand dollars, with the privilege of increasing the same as the necessities of the said corporation may demand, and to this end, and for the uniform and better regulation of the affairs of the company, they shall have the privilege of prescribing the number of shares into which the capital stock may be divided, the mode in which it shall be taken, paid, transferred or assigned, and the number of votes to which each share shall be entitled, the manner in which the stockholders may cast their votes, and the times and places of the meeting of the stockholders and directors. Section 4. *Be it further enacted*, That the stock subscribed to the capital of said company shall be due and payable from and after the subscription so made, and must be paid whenever the board of directors shall order or make a call for all or a portion thereof to be paid; and upon failure to pay up the stock subscribed, when called to be paid, the same may be collected by suit at law, or the board of directors may cancel the same, or offer the delinquent stock so subscribed at public sale, by giving ten days notice of the time and place of sale in some newspaper published in the county where the office of the company may be

Amount of capital stock, and power to increase the same.

Stock subscribed due on demand. Proceedings as to delinquent subscribers.

located, and should there be no newspaper published in the county, notice must be given in the nearest newspaper published to said office. Section 5. *Be it further enacted*, That said corporation shall have power to borrow money, execute a mortgage or other security of every kind and description, and to loan out its surplus earnings, or assets, on similar security, or mortgage, but shall not issue bonds or stock, except for money, labor due, or property received. Section 6. *Be it further enacted*, That no stockholder in said company shall be held personally liable for any debt of said company, beyond, or otherwise than for the unpaid stock owned by him or her. Section 7. *Be it further enacted*, That said company are hereby authorized and empowered to locate, construct and bring into final completion, one or more railways of such gauge, and as many tracks, as they may deem necessary from their mines, works, ore beds, coaling and coking grounds, to such depot as they may choose to establish along the lines of any railroad in the State, and to transport persons and property, minerals and produce, upon said railway, by the power of steam or any other motive or mechanical power, which they may apply. They may also purchase or contract for the use of any unfinished railroad, connecting, in whole or in part, any of their said property with any depot which they may establish as herein authorized; and may also purchase, construct, charter or hire, tugs, barges, steam boats, and other water transportation, and may use them in transporting persons, products of their mines and manufactories, and all other personal property, on any of the navigable waters of this State, or elsewhere. They may also construct one or more canals, and such slack water navigation as may be deemed necessary, useful or convenient in carrying out the purposes of said corporation. Section 8. *Be it further enacted*, That the said company are hereby authorized to lay out their said railway, or railways, not exceeding one hundred feet in width through the whole length, to purchase the right of way, to obtain stone, earth, gravel, timber, and other materials necessary to construct or make cuttings, throw up embankments, and build bridges, to establish platforms, warehouses, stations, turnouts, depots, ele-

Liability of
stockholders.

Power to build
railroads, tugs,
barges, &c.

Right of way.

How ascertain-
ed.

vators, coal chutes and wharves. Section 9. *Be it further enacted*, That if the owner or owners of the land which may be acquired for the use and purposes mentioned in the preceding section of this act, cannot agree with said corporation on the value, or the damages, or in case such owner is an infant, non-resident, or *non compos mentis*, such value or damage shall be ascertained as assessed in the manner directed by the general law of the State, in such cases made and provided. Section 10. *Be it further enacted*, That said company are further authorized to erect and establish all such buildings, fixtures, structures, machinery, watercraft, depots and wharves, as may be needed, convenient or useful in carrying on their business, subject to the restrictions contained in section nine of this act. Section 11. *Be it further enacted*. That said company may have power, by the order of its board of directors, to hold the meeting of their stockholders' conventions, boards of directors, at any time and at any place they may deem proper and convenient; but the business office of the said company shall be located at their principal mine or furnace, in the counties of Bibb, Shelby or Tuskaloosa, in the State of Alabama.

SEC. 2. *Be it further enacted*, That all parts of said act entitled "An act to incorporate the Gulf Mining Company," approved February 23, 1876, that may be in conflict with this act be, and the same are, hereby repealed.

Approved December 4, 1880.

No. 255.]

AN ACT

[s. 161.

To prohibit the sale, or giving away, of any vinous, spirituous or malt liquors, in the town of Dayton, Marengo county, or within six miles of said town.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That it shall be unlawful for any person to sell, or give away, any vinous, spirituous or malt liquors in the town of Dayton, in Marengo county, or within six miles of said town, except upon the requisition, in writing, of a physician for medical purposes

Provided, This act shall not apply to wines used by a religious association for communion service, nor prevent a person from giving spirituous, vinous or malt liquors to the friends of such person at his or her private residence.

SEC. 2. *Be it further enacted*, That any person who shall violate the provisions of the first section of this act shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than fifty dollars nor more than five hundred dollars; *Provided*, The provisions of this act shall take effect on and after the first day of January, 1881.

Approved December 4, 1880.

No. 256.]

AN ACT

[H. B. 255.]

To authorize the mayor and aldermen of the city of Tuskaloosa, Alabama, to license auctioneers.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the mayor and aldermen of the city of Tuskaloosa, Alabama, be, and they are, hereby authorized and empowered to levy and collect a license tax upon auctioneers, within the corporate limits of said city, and to regulate the same by ordinance, any law to the contrary notwithstanding; *Provided*, That nothing herein contained shall authorize a tax or license to be levied upon sales under judicial proceedings, or by executors, administrators, guardians, or under deed of trust or mortgage for the security or payment of debts.

Approved December 6, 1880.

No. 257.]

AN ACT

[S. 69.]

To incorporate the West Point Manufacturing Company.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That W. C. Lanier, L. Lanier, N. L. Atkinson, James Reid, and J. D. Johnson, together with such other persons as may be associated with them and their

Names of incorporators and the powers and privileges conferred.

successors, be, and they are, hereby made and constituted a body corporate, under the name and style of the West Point Manufacturing Company, and by that name may sue and be sued, plead and be impleaded, answer and be answered, in all the courts of law and equity in this State, in like cases as natural persons, and by that name shall be, and are, hereby empowered to purchase, own and enjoy all such real and personal property of whatever kind or amount that said company may deem necessary to carry into full force and effect the purposes, business and objects of this corporation, and to use, transfer or convey any such property, at its pleasure, or to mortgage the same to secure any debt contracted or money borrowed for the legitimate purposes of the company; to have, use and keep a common seal, and the same to break, alter and renew at pleasure.

Objects and purposes. SEC. 2. *Be it further enacted*, That the objects and purposes of this corporation shall be the manufacture of wool and cotton into thread, yarn and cloth; manufacture of meal, flour, lumber, or such branches, or parts thereof, as they may see proper to engage in; and to sell, barter, or exchange all such goods, wares and merchandise as may be manufactured by said corporation.

Stock and rights of stockholders; election of officers, &c. SEC. 3. *Be it further enacted*, That said body corporate shall have power to prescribe the number of shares into which the capital stock of said corporation shall be divided, the mode in which it shall be taken, paid, transferred or assigned, and also to provide the mode by which stockholders may vote, and the number of votes to which each share shall be entitled, and the rules adopted shall be uniform, equally securing the right of each stockholder; and also to provide for the election of such officers as may be deemed necessary for the government and management of the affairs of said corporation; to ordain, establish and put into execution such by-laws, ordinances and resolutions as they may deem necessary and expedient for the government of said corporation, not inconsistent with the constitution and laws of the State of Alabama, or of the United States; and, in general, to do and to execute, all and singular, the acts, matters and things which may be necessary for conducting the business of the company.

SEC. 4. *Be it further enacted*, That if officers are not elected by the stockholders on the day fixed by the by-laws or ordinances, the corporation shall not, for that cause, be dissolved; and it shall be lawful to hold said election on some other day, according to the by-laws of said corporation, and the officers in office shall hold until their successors are duly elected and qualified.

In case of failure to elect on day set can be held another day.

SEC. 5. *Be it further enacted*, That the principal place of business of said corporation may be located in the city of West Point, in the State of Georgia, and that service of any legal process, upon the superintendent and managing, or other agent of said corporation, shall be valid and binding on the company; and it shall be the duty of said corporation at all times, and it is hereby required, to keep an agent at its factory, which shall be considered the home office, in the county of Chambers, in this State, upon whom such process may be served; and in case of failure to carry out this requirement, such failure shall work a forfeiture of this charter; and said corporation is required to list for taxation its capital stock or shares, in whatever form the laws of Alabama may require the same to be taxed, in said county of Chambers.

Place of business agent to be kept there, on whom legal papers can be served.

SEC. 6. *Be it further enacted*, That said corporation shall have the power to borrow money, on bond or otherwise, and secure the same by mortgage on its property or other securities, and to loan out its surplus earnings on similar securities or mortgages, in such manner and upon such terms as may be prescribed by the corporation, and to ordain such rules and regulations, with respect to stockholders who refuse to pay up any balance on their stock, as will compel them to pay, upon penalty of forfeiting such stock to said corporation.

Power to borrow money and execute mortgage.

SEC. 7. *Be it further enacted*, That no stockholder of the corporation shall be individually liable for any debts of said company beyond or otherwise than for the unpaid stock owned by him or her.

Liability of stockholders.

Approved December 6, 1880.

No. 258.]

AN ACT

[s. 130.]

To prohibit the sale, giving away, or otherwise disposing of, any spirituous, vinous or malt liquors, or intoxicating bitters, or intoxicating beverages, at or within five miles of the town of Centreville, in Bibb county.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That from and after the passage of this act it shall be unlawful for any person or persons to sell, give away, or otherwise dispose of, any spirituous, vinous, or malt liquors, intoxicating bitters, or any other intoxicating beverages of any sort, at or within five miles of the town of Centreville, in Bibb county.

SEC. 2. *Be it further enacted,* That any person or persons violating the provisions of this act shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than fifty nor more than five hundred dollars, and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than ninety days.

Approved December 6, 1880.

No. 259.]

AN ACT

[H. B. 499.]

Authorizing and requiring the tax collector of Jefferson county to collect all unpaid taxes in said county for the years 1878 and 1879.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the tax collector of Jefferson county is hereby authorized and required to collect all unpaid and delinquent taxes in said county for the years 1878 and 1879, and for collecting such taxes he shall receive the same fees and compensation as now allowed by law for collecting delinquent taxes.

SEC. 2. *Be it further enacted,* That in the collection of said delinquent taxes for the years 1878 and 1879, said tax collector shall have, and receive, all the powers, rights and remedies that are by law conferred upon tax collectors for the collection of delinquent taxes for the year 1880.

Authorized to collect certain taxes, and receive compensation

All powers of tax collectors conferred for purpose of this Act.

SEC. 3. *Be it further enacted*, That lists of "insolvents," and of "errors in assessments," not already allowed by the commissioners court of said county, shall be reported on oath by said tax collector at the April term, 1881, of said court, when such proceedings must be had thereon as are required by section 421 of the Code of Alabama; and when proper corrections are made in such lists, the said court shall credit the late tax collector of said county, A. M. Smith, with the taxes due the county thereon, and the probate judge shall certify such lists, so corrected, to the Auditor, who shall allow said late tax collector, A. M. Smith, a credit therefor on his final settlement for State taxes; *Provided*, That no insolvent claim shall be allowed which could have been collected by said A. M. Smith, by due diligence.

Proceedings as to "insolvents and errors."

SEC. 4. *Be it further enacted*, That said tax collector shall not be liable for any of said delinquent taxes of 1878 and 1879, except such as are actually collected by him, or such as by reasonable diligence he could have collected.

Liability defined.

SEC. 5. *Be it further enacted*, That said tax collector shall return, and account for, all taxes collected under this act, to the State and county, according to the respective rights of each thereto, by the 1st day of May, 1881.

Time in which returns to be made

SEC. 6. *Be it further enacted*, That before said tax collector shall enter upon the duties as required by this act, and within fifteen days after the approval thereof, he shall give a bond, with at least two good securities thereon, in double the probable amount of said delinquent taxes, conditioned for his faithful performance of his duties under this act, as bonds for tax collectors are now by law conditioned; and for his failure to perform the conditions thereof the county of Jefferson, and State of Alabama, shall have the rights and remedies that are now given to county and State for breaches of tax collectors' bonds under the laws of this State.

Additional bond

SEC. 7. *Be it further enacted*, That nothing in this act contained shall relieve the said A. M. Smith and his sureties on his official bond from any liability to the State or county of Jefferson heretofore incurred by any breach of said bonds.

Approved December 7, 1880.

To prohibit the sale, giving away, or otherwise disposing of, spiritous liquors, or other intoxicating liquors, within certain prescribed limits, including Ebenezer church, in the county of Lawrence.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act it shall be unlawful for any person or persons to sell, give away, or otherwise dispose of, any spirituous, vinous or malt liquors, within that portion of territory in Lawrence county here described as follows, to-wit: Beginning at a point in the middle of the Green's Bluff road, west of, and opposite Ebenezer church, and extending thence one and a half miles north; thence east, three miles; thence south, three miles; thence three miles west; and thence one and a half miles north, to the said beginning point, and including within these limits the aforesaid church; said described territory lying, and being in township three, range eight, in said county of Lawrence.

SEC. 2. *Be it further enacted*, That any person or persons who shall violate the provisions of this act shall be deemed guilty of a misdemeanor, and, on conviction, shall be fined not less than fifty nor more than one hundred dollars; *Provided*, That this act shall not be so construed as to prevent the use of vinous liquors for sacramental purposes, or to prevent physicians from prescribing for medical purposes, nor citizens from using at their private residences any of the aforesaid liquors.

Approved December 7, 1880.

No. 261.]

AN ACT

[s. 175.]

To adopt and carry into effect the plan for the adjustment and settlement of the existing indebtedness of the late corporation known as the "Mayor, Aldermen, and Common Council of the city of Mobile," which is recommended in the report of the "Commissioners of Mobile," made and laid before the General Assembly of Alabama on the 26th day of November, 1880, as provided in section sixteen (16) of an act of the General Assembly of Alabama, entitled "An act to vacate and annul the charter, and dissolve the corporation of the city of Mobile, and to provide for the application of the assets thereof in discharge of the debts of said corporation," approved February 11, 1879.

WHEREAS, The municipal corporation of this State, known as the mayor, aldermen and common council of the city of Mobile, was dissolved and its charter vacated and annulled, and its assets were placed under the jurisdiction, supervision and direction of the court of chancery for the first district of the southern chancery division of this State, to be administered as a trust fund, for the use and benefit of the creditors of said corporation, by an act of the General Assembly of Alabama, approved February the 11th, 1879, entitled "An act to vacate and annul the charter and dissolve the corporation of the city of Mobile, and to provide for the application of the assets thereof in discharge of the debts of said corporation;" and whereas, a suit was instituted in said court, in which the commissioners of Mobile, appointed under said act, are the complainants, and in which the creditors of said extinct corporation have been convened, as defendants, for the purpose of liquidating the affairs of said corporation and for the distribution of its assets; and whereas, the purposes of said suit have not yet been completely attained, but said suit is still pending, and shows that said corporation was insolvent at the time of its dissolution, and still is so; and whereas, said commissioners, the complainants in said suit, in accordance with the provisions of the aforesaid act, conducted negotiations with the creditors of said

Preamble.

extinct corporation with a view to an adjustment and settlement of its debts, which resulted in the scheme or plan for the adjustment and settlement of the debts of said extinct corporation, which said commissioners have reported and recommended to the favorable consideration of this General Assembly, as provided by said act, and as shown in the title to this act; and further legislation has become needful to fully attain the objects of the enactment before mentioned and of the aforesaid suit; now, therefore, to provide for the payment of the debts of said extinct corporation to the utmost extent practicable,

Scheme reported approved

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the scheme for the adjustment and payment of the debts of the late corporation known as "the mayor, aldermen and common council of the city of Mobile," communicated to the General Assembly by the commissioners of Mobile, as shown in the title of this act, be, and the same is, hereby approved; and to carry the same into effect,

Present commissioners continued in office

SEC. 2. *Be it further enacted*, That the persons now acting as "the commissioners of Mobile," and receivers of the court of chancery at Mobile, under the provisions of the act which is referred to in the title to this act, and such as may be hereafter appointed in their places, shall continue and be such commissioners and receivers, vested with the powers and charged with the duties granted and imposed by said act, and also with such other powers and duties as may be granted and imposed by this act, until the 15th day of February, 1883, unless such duties be performed and completed before that time. In that event, such powers shall cease at once; but said commissioners and receivers shall not, by the expiration of their term, be relieved from the report and accountability required of them by this act.

Bonds to be prepared

SEC. 3. *Be it further enacted*, That said commissioners shall, without delay, cause to be engraved and prepared the bonds and coupons provided for in this act, of an aggregate amount sufficient to meet the purposes and requirements of this act, but not to exceed two millions five hundred thousand dollars.

SEC. 4. *Be it further enacted*, That said bonds shall be issued in the name of the city of Mobile. They shall,

to the amount of the bonds issued, be evidence of the former indebtedness of the municipal corporation of this State, styled the mayor, aldermen and common council of the city of Mobile, for which such bonds may be substituted, or issued; and such former indebtedness shall continue in force to that extent, at the rate of interest specified in the bonds that may be issued under this act, just as fully as if the original evidences of such indebtedness had not been surrendered and the said bonds taken in their place. And said bonds and coupons shall be as obligatory on the tax payers and property within the boundaries and limits of the above named municipal corporation, as laid down and marked in the charter of said municipal corporation which was vacated and annulled by the aforesaid act of February the 11th, 1879, as the bonds and coupons, or other evidences of said corporation's indebtedness were, for which said bonds may be exchanged or issued; and the money derived from the tax imposed by this act, less expenses, shall be applied to pay the interest on such of the bonds authorized by this act as may be issued, and to retire said bonds as provided in this act, and it shall not be used for any other purpose. Said bonds shall be signed from time to time, as required for use, by said commissioners of Mobile, and shall be sealed with a seal to be devised and used by them for the sole purpose of executing these bonds, and the certificates herein provided for. Said seal must be approved by the chancery court of this State having jurisdiction in Mobile county, or by its chancellor in vacation, and the order of approval shall be filed and entered of record in the chancery court of said county, in the cause now pending therein in which said commissioners are complainants, and the president and directors and company of the bank of Mobile, and others, are defendants, and which is numbered 2740 on the docket of said court. Each bond shall show that it is issued under this act. Each shall be dated January the 1st, 1881, and be payable in lawful money of the United States of America, on the first day of January, nineteen hundred and six (1906). They shall be numbered consecutively, beginning with number one. Each shall be for the sum of five hundred dollars, and shall have interest coupons attached,

How issued
and to what extent
binding;
how paid, &c;
proceedings at
maturity as to
payment or extension.

payable semi-annually in the city of New York. These coupons shall be for interest on the bonds to which they may be attached, at the rate of three per centum per annum for the first five years, four per centum per annum for the next fifteen years, and five per centum for the remaining five years. Said coupons, when due, shall be receivable in payment of the taxes levied by or under this act, but not in payment of any other taxes. Said bonds and coupons shall be payable to bearer, but shall pass and be transferred by delivery without endorsement. The bonds authorized by this act, which may be exchanged for bonds issued by the late mayor, aldermen and common council of the city of Mobile for the purchase of wharf property, and which may contain, either on their face or by endorsement, the reservation of a lien on the wharf property for which the bonds were given, shall be known as wharf bonds under this act. Each of said bonds shall have endorsed on it the very same reservation of lien which was contained in or endorsed on the bond for which the aforesaid wharf bond under this act may be exchanged. The lien so reserved in or on the bonds so taken up by bonds issued under this act shall not be in any manner impaired by the funding, under this act, of the bonds reserving such lien; but the aforesaid endorsement on the bonds issued under this act, and exchanged as aforesaid, shall be a continuance of the lien which was reserved in the bonds funded in said wharf bonds under this act and said lien under the modifications and conditions contained in this act is hereby preserved in all of its force to secure the bonds issued under this act and above designated as wharf bonds. If proper provision has not been made before the session of the General Assembly of Alabama which next precedes the first day of January, nineteen hundred and six, for the payment, or retirement at maturity, of all the bonds that may be issued under this act, the Governor of this State shall communicate that fact to said General Assembly at the commencement of said session, in a message inviting proper legislation to provide for the payment of said outstanding bonds at maturity, or for their extension; and if said General Assembly fail to make proper provision for such payment, or extension, before January 1st, 1906, then said Governor shall at

once nominate and appoint, by and with the advice and consent of the Senate, three prudent and discreet persons residing within the limits hereinbefore named, commissioners, who shall have power, and whose duty it shall be, to arrange for the payment or extension of such outstanding bonds, for the payment of which, at maturity, provision may not have been made, and also to execute and issue, in the name of the city of Mobile, such bonds and coupons as may be fit and proper to provide for such payment or extension; and if said General Assembly should fail to make proper provision to insure the payment of the interest on the bonds issued, and to create a sinking fund for the gradual payment of the principal thereof, according to the terms on which such bonds and coupons may be issued, then the provisions of this act for the levy and collection of taxes shall continue in force for the protection and payment of said bonds and coupons, and the money realized therefrom shall be kept and applied to pay the coupons on such new bonds as they mature, and for a sinking fund for the retirement of said bonds as is provided in this act respecting the coupons and bonds that may be issued under it.

SEC. 5. *Be it further enacted*, That said commissioners may use, exchange and dispose of the bonds authorized by this act, with their attached coupons, in settlement of the debts of said mayor, aldermen and common council of the city of Mobile, and to defray the necessary expenses incident to such settlement, as provided in this act. But no more of them shall be used than are needful for said purposes; nor shall any of them be used for any other purpose. They shall first set apart an amount of said bonds, equal to the aggregate amount of outstanding bonds issued by the mayor, aldermen and common council of the city of Mobile, bearing date May 1, 1875, and payable May 1, 1905, added to the amount of outstanding past due coupons belonging to said bonds, with the further addition of five dollars for each of said bonds, to cover the interest on the same for the months of November and December, 1880. The bonds and coupons thus set apart, shall be exchanged, as occasion may offer, exclusively for the aforesaid bonds of May the 1st, 1875, with interest as aforesaid, and for the past due coupons of said last

Power of commissioners in using bonds; exchanging for old obligations.

named bonds; and they must be exchanged so that each of the holders of said bonds of May 1st, 1875, shall receive an amount of the bonds so set apart equal to the amount of said bonds held by him, and presented for exchange, with the addition of five dollars to each bond for interest as aforesaid; and so that the holders of the past due coupons of the aforesaid bonds of May 1st, 1875, shall receive one of the bonds so set apart for every five hundred dollars in amount of such past due coupons presented for exchange, and at that rate. If said coupons or sums for said November and December interest are offered for exchange in sums of less than five hundred dollars, the holder or owner shall receive certificates of exchange for such amounts as hereinafter provided. Bonds authorized by this act, and numbered from 3461 to 4000, both inclusive, must be exchanged, in the manner above provided, for the bonds issued by said mayor, aldermen and common council of the city of Mobile, which reserve the lien mentioned in section four of this act. The debts of said mayor, aldermen and common council which were not funded under the act of the General Assembly of Alabama, which provided for funding the debts of said city of Mobile, and which was approved March 9, 1875, must be adjusted, so far as is practicable, upon the same basis of adjustment as that on which said bonds of May 1st, 1875, were issued, so that the adjustment and settlement, under this act, of all the debts not funded as aforesaid, shall, as nearly as practicable, be put in the same position as if they had been funded under said act of March 9, 1875, on the first day of January, 1876. Whenever any of said debts shall be so adjusted, said commissioners shall issue to the holders or owners of such adjusted debts, and in settlement thereof, bonds authorized by this act, and not set apart as aforesaid, equal to the amount of the debt as adjusted, upon the delivery to the commissioners of the evidences of the debt so settled, or if the debt is not evidenced by written instrument, upon the execution of such receipts as are prescribed in section six of this act; *Provided*, That when any of the bonds, coupons, or other evidences of debts offered for exchange, are offered in any sum less than five hundred dollars, said commissioners shall issue to the holder a certificate for such fraction, which shall be executed

as above provided for the execution of bonds. These certificates shall not bear interest, but whenever any number of them amounting to five hundred dollars, or any multiple of that sum, shall be presented for funding or exchange as aforesaid, said commissioners shall issue to the holder of such certificates one of said bonds, with its coupons, for each and every five hundred dollars in amount of said certificates presented for exchange. Said commissioners shall provide for the exchange and delivery, in the city of New York, of the bonds and coupons authorized by this act, until the first day of January, 1882. After that date, such exchange and delivery shall be made at Mobile, in this State. If any indebtedness of said mayor, aldermen and common council should remain unfunded under this act on the fifteenth day of February, 1883, said commissioners shall deposit in said bank, or depository, a number of the unissued bonds sufficient to fund such debts, subject to the order of said chancery court, in term time, or of its chancellor, in vacation; and they shall report to said court, or chancellor, the numbers of the bonds so deposited, and, as far as practicable, the debts, which the bonds are deposited for, with an estimated apportionment of the same to said debts respectively. Any creditor may obtain his just proportion, of said bonds upon application therefor to said chancery court, in term time, or to its chancellor, in vacation, and upon the orders of said court in term time or of said chancellor in vacation; but he must take his bonds with only such coupons as may mature after the date of the filing of his application, unless the General Assembly of Alabama, at its next session, should extend the time for funding such back interest. All coupons on said deposited bonds which may mature while the bonds remain so deposited, shall be cancelled, reported and filed by the bank, or depository, hereinafter mentioned, and destroyed as is provided respecting paid coupons and bonds; and those taken up by exchange or substitution, and the money collected to provide for such coupons, shall enure to the benefit of the sinking fund for the purchase of bonds as hereinafter provided in the fourth provision of section nine. If all the bonds authorized to be issued by this act shall not be required to fund all the debts of said mayor, aldermen and

common council, those not so required shall be reported to the aforesaid court, in the final report which said commissioners may make in said cause, with a specification of the numbers of said bonds; and such bonds with their coupons shall be filed in said cause with said report. The aforesaid chancellor shall promptly make an order for the destruction of said bonds and coupons, and cause them to be consumed by fire in the presence of the register of said court, and of such persons as he may appoint to witness such destruction, of which due report shall be made to said court, in term time, or to its chancellor, in vacation, and said report shall be filed in said cause.

Rec'd of bonds
to be kept.

SEC. 6. *Be it further enacted*, That said commissioners shall cause to be kept, in well bound books, correct accounts of each of their transactions under this act, showing therein the number and amount of bonds and coupons issued by them, the true dates of their issue, and the particular disposition made of each bond and the coupons thereto attached. They shall also cause each bond or promise to pay, issued by said city of Mobile, taken up or retired by them, to be instantly cut through with some appropriate stamp or device, so as thoroughly to deface the same. If the debt so taken up or retired by them is not evidenced by writing, duplicate receipts for the payment thereof shall be taken by said commissioners. The bonds or other evidences of debt so cancelled, and such receipts, shall be safely kept, and said bonds and one of said duplicate receipts shall be filed in the aforesaid chancery court, with the report to said court hereinafter required of said commissioners.

Report of use of
bonds.

SEC. 7. *Be it further enacted*, That said commissioners shall, at the January term, 1882, of the aforesaid court, and when they have finished their duties under this act, report to said court the bonds, coupons, and other evidences of debt taken up by them at the time of each report, and of the bonds disposed of under this act; and this report shall be made in the case now in said court, hereinbefore described. This report shall be considered and acted on by said court, and thereupon said commissioners, in the presence of the register of said court, or other person appointed for that purpose, shall cause such bonds and other evidences of

debt to be consumed by fire. Due report of such destruction shall be made as provided in section five of this act.

SEC. 8. *Be it further enacted*, That in execution of the trust assumed by the State in said act of February 11th, 1879, to provide legislation to carry into effect the adjustment and settlement referred to in the title to this act, a tax of three-fourths of one per centum for each year, until the bonds and coupons issued under this act are fully paid, is levied, as authorized by the constitution, and shall be collected on the value of all the real estate and personal property within the limits of said city of Mobile, as the same are defined in the charter of said city, which was vacated and annulled by the aforesaid act of February 11, 1879, according to the value of such property as the same may have been assessed for State taxation during the year preceding that for which said tax is levied and is to be collected. Tax levy authorized.

SEC. 9. *Be it further enacted*, That the money which may be collected under the foregoing tax, less the necessary expenses, shall be applied by the bank or depository hereinafter provided for, to pay the coupons of the bonds authorized by this act, and to retire said bonds as follows: *First*, to pay, as they mature, the coupons of such bonds as may then have been issued. *Second*, any surplus that may be on hand on the second Monday of January of each year, over and above the aggregate amount of the next preceding July and January coupons of all the bonds authorized by this act, and not then cancelled, whether they be then issued or not, shall constitute a fund for the gradual retirement of the bonds already issued; and to accomplish that object, the bank or depository hereinafter provided shall, on the second Monday of January of each year, at its place of business, at twelve o'clock, meridian, and in public, cause to be drawn by numbers, and by lot, from all the numbers of bonds then issued, a sufficient number of said bonds to absorb such surplus. It shall promptly advertise the numbers of the bonds so drawn, twice a week for two weeks in a newspaper published in the city of New York, and in one published in Mobile, calling for a presentation for payment of the bonds so drawn, at a place to be designated in said advertise- Tax money; how applied.

ment; and said drawn bonds, with one month's interest thereon, at the then current rate of interest on such bonds, shall become due and payable on the first day of February next following after such drawing; and said bonds, with said interest for one month, shall be paid in full by said bank or depository upon their presentation, with all their future coupons attached, and upon delivery of the same at the place designated in such advertisement. After said first day of February, said drawn bonds shall cease to bear interest, and the coupons thereon shall become void. *Third*, one half of the net income from all the wharves, which belonged to said mayor, aldermen and common council, whether subject to the reserved lien mentioned in section four of this act, or not, shall constitute a special fund for the gradual retirement of the bonds issued under this act, and designated in said section four, as wharf bonds, as follows: It shall be divided into five equal amounts, and said wharf bonds shall be divided into five classes, so that each class shall contain one hundred and eight bonds, and be formed by classifying said wharf bonds according to their consecutive numbers. One of these equal amounts of said fund shall be distributed among the holders of each of said classes of bonds to pay as many bonds of each class theretofore issued, and interest on the same, as above provided in this section respecting other bonds, as can be taken up by the share or amount of said special fund allotted to such class. If this should leave any fraction less than five hundred dollars in any class, these fractions shall be united and applied, as far as practicable, to pay in full any bonds within the five classes that may become entitled to such payment in the manner herein provided; and if any fraction under five hundred dollars should still be left, it shall be carried forward and added to the special wharf bond sinking fund of the next year. To accomplish the foregoing object, said bank or depository shall draw from each of said classes as many bonds as there are multiples of five hundred, added to interest for one month on the bonds to be drawn in the amount set apart for the benefit of such class. If this should still leave fractions in any class, such fractions shall be united and appropriated, as far as practicable, to take up and pay any bonds, with one month's interest on each

bond, from all the classes of said wharf bonds which may become entitled to the same by lot. The drawings herein provided for shall be made at the same time and place, and in the same manner, as is set forth in the second provision of this section, after advertisement thereof in a newspaper published in said county of Mobile for the time mentioned in said second provision. The bonds which become so entitled to payment shall become due and payable, and be paid in full with interest, as set forth in said second provision, and they shall cease to bear interest and their future coupons become void, as is set forth in said second provision concerning the bonds therein referred to and provided for. *Fourth*, if all the bonds authorized by this act should not be issued at the time of any such drawing, then an amount of the money collected and paid in, equal to the amount of the next preceding July and January coupons of the uncanceled bonds not then issued, shall constitute a security and means for funding such past due coupons whenever such unissued bonds may subsequently be issued to creditors of said city, if they come in and take such bonds before the second Monday in January, 1883. And to that end, said bank or depository shall advertise once a week for four successive weeks, in the manner hereinbefore provided, stating the amount provided and on hand for the purpose above stated, asking for a tender of bonds therefor, and stating when and where the awards on such tenders will be made. At the time and place named in such advertisement it shall open such tenders or bids, and award such fund, in public, to the holders of the bonds tendered at the lowest prices, and the bonds to which the fund is awarded shall be paid accordingly, upon the delivery of said bonds with all their future coupons attached. Any fractions under five hundred dollars must be carried to their appropriate sinking funds for the next year. The bonds to which such award shall be made shall not bear interest after such award, and all future coupons belonging to them shall become void, unless, on presentation, there be a failure to pay said bonds according to the tenders and awards. Said bank or depository shall report to said court the amount and numbers of the bonds and coupons so taken up, and the rates paid for the same. The said court, in

term time, or its chancellor, in vacation, shall order that an amount of said bonds equal to the amount of the past due coupons of said unissued bonds, at the date of the drawings hereinbefore specified, shall be set apart and held by said bank or depository subject to the orders of said commissioners, or of said court or chancellor, to be used in funding such past due coupons as hereinafter provided; and thereupon all such past due coupons shall be severed from said unissued bonds, and they and the bonds with their coupons which may have been taken up by the commissioners, and not set apart by the order of the court as above provided, shall be cancelled and filed in said court for destruction under orders of said court. Said commissioners shall issue to the creditors of said city, who come in and accept bonds under this act, after the date of any advertisement last above described, and before the second Monday in January, 1883, the aforesaid unissued bonds, in the manner provided in section five of this act: except that such bonds shall be issued without any coupons past due at the time of such issuance, and for such past due coupons said commissioners shall issue to such creditors one of the bonds, set apart as aforesaid, for every five hundred dollars in amount of the past due coupons severed from the bonds issued to such creditor. If the amount of the coupons so severed from the bonds issued to any creditor does not equal five hundred dollars, the commissioners shall issue to such creditor a certificate of interest, corresponding in amount with that of the past due coupons severed from the bonds issued to such creditor; and whenever the holders of these certificates shall present the same in sums of five hundred dollars, they shall receive one of the bonds set apart for that purpose for each and every five hundred dollars in amount of such certificates presented for exchange. Said commissioners shall cancel all certificates taken up by them, and they shall report their action respecting these matters to said court, and file such cancelled certificates in said court for destruction under the order of the court, in term time, or of its chancellor, in vacation.

SEC. 10. *Be it further enacted*, That every year, as soon as the books of the tax assessor for Mobile county shall have been completed, and after the same shall

have been examined and corrected as prescribed by law, so as to include all property that may be assessed for State taxation during that year, the tax assessor for said county of Mobile shall cause duplicate copies to be made in well bound books, suitably prepared for that purpose, of so much of his said assessment book for the current year as includes the assessed property situated within the aforesaid limits of said city of Mobile. He shall complete and deliver said copies to said board of revenue and road commissioners, or other authority charged with the supervision and correction of tax assessments in said county, before the 31st day of December of each year. He shall be paid therefor by the tax collector provided for in this act, upon an order from the chairman of the board of revenue and road commissioners, or other authority charged with the supervision and correction of said assessments, such an amount as may be allowed by said board or said other authority for such duplicate copies; but not to exceed five hundred dollars any one year for both said copies together, including the books in which such copies may be made. Should the tax assessor's office for said county at any time be abolished, the said chancellor shall appoint a person to make and deliver such duplicates. If, however, this act is not enacted in time to have said duplicates completed for the assessment year ending December 31st, 1880, of which said board shall be the judge, then the duplicates for that year shall be made and delivered as soon as practicable, but within sixty days next after such enactment. Said board, or other authority receiving said duplicate books, shall keep the same open for public inspection during the time allowed in the next section for the filing of objections thereto as provided in said section.

SEC. 11. *Be it further enacted*, That during each year, while the bonds and coupons issued under this act may remain unpaid, and within the first ten days of January next following from the receipt of the books provided for in the preceding section, the board of revenue and road commissioners of Mobile county, or such other authority as may be charged with the correction of tax assessments for said county, shall publish a notice for ten consecutive days, in some newspaper published in said county, to the effect that said books are open for

Tax assessor's
books.

Correction of
improper as-
sessments; pro-
ceedings there-
for.

inspection and examination at the office of said tax assessor, and calling on all persons interested therein to file such objections, in writing, thereto, as, by law, they may be entitled to make; and to the further effect, that on the lapse of twenty days from the date of such notice, said board, or such authority as aforesaid, will hear and pass upon such objections, and continue to do so from day to day, until the same are disposed of. Any person charged in said books as the owner of any property which he was not the owner of on the first day of January of the year for which the tax herein provided is to be collected, may, within twenty days from the first publication of such notice, file with said tax assessor his affidavit to that effect, and if he has ceased to be such owner since he was assessed as owner of such property, as shown in the assessor's book, he shall state the name of the person who thereupon became such owner. Any tax payer may also file objections as to the correctness of said books as copies of the aforesaid tax assessor's book, designating wherein such copies do him injustice. If the property assessed to any one in said book has been destroyed or greatly damaged by fire or other cause since it was assessed, claims in writing may be filed in such cases for a reduction in the value so assessed, stating therein the estimated amount of damage and the cause thereof. But the claimant must also state whether such property was insured or not, and if it was, he must state the amount of insurance, the company in which it was insured, and the amount he claims to be entitled to under such insurance; all of which shall be considered by said board, or other authority, in passing on his claim. Inasmuch as all persons assessed as aforesaid had, during such assessment year, ample opportunity to apply for and have all corrections and reductions made, which, by law, they may have been entitled to, no application for a change in the valuation of the property, as shown in the books, except in the cases above stated, shall be entertained. Upon the expiration of said twenty days, said board of revenue and road commissioners, or other authority vested with power to make corrections as aforesaid, shall hear and decide all such objections and claims, and correct said books accordingly. The said board, or other authority in said county, vested with the afore-

said power to correct State assessments in said county, may also, of their own motion, correct on said books any errors of ownership that may be occasioned by death or otherwise; but in no event shall it change the assessor's valuations, except in cases of destruction or damage as aforesaid. All changes and corrections shall be entered in said books with red ink, and in such a manner that it may plainly appear what such changes and corrections are. Said board, or other authority vested with the aforesaid power, shall continue its sessions from day to day, and from time to time, until all objections and claims so filed are disposed of, and no longer. They shall not hear any applications filed after the expiration of said twenty days. The members of said board, or other authority vested with like duties, shall receive the same compensation for any services rendered under the provisions of this act, as is, or may be, allowed by law for services of a like kind in reference to State or county taxes. This compensation shall be paid by said bank or depository, on a certificate of the amount due, given by the chairman of said board or other like authority.

SEC. 12. *Be it further enacted*, That as soon as the objections and claims authorized by section eleven of this act shall have been disposed of, and the corrections therein authorized shall have been made, and within five days next thereafter, said board of revenue and road commissioners, or other lawful authority, that may at the time be charged with like duties, shall certify at some suitable place in said duplicate copies, that they have been duly compared and examined, and found to be correct, and that the tax levied as aforesaid is collectable for the current year, when such certificate is made, on and from the property valued as shown in such duplicates, and from the persons respectively to whom the property is, in said duplicates, assessed. One of the duplicates shall be given by said board, or other like authority, to the tax collector under this act, who shall receipt for the same. The other shall be deposited and remain in the aforesaid chancery court. The aforesaid certified copies and said duplicate delivered to the tax collector shall be his warrant and authority to collect said taxes, and his command to collect the same, as provided in this act.

Certificate of board of revenue as to assessment; costs and delivery to collector.

The tax collector; how elected, and his duties, his fees; power of removal, &c.

SEC. 13. *Be it further enacted*, That the aforesaid taxes shall be collected by a tax collector, who shall be elected and appointed by the president of the Mobile police board of the port of Mobile, or other chief executive officer of any governmental agency that may be constituted by law for, or within, the aforesaid limits of said city of Mobile, by the agent or trustee of the bondholders hereafter provided for in this act, and by the chairman of said board of revenue and road commissioners, or of such other authority as may be charged with similar duties concerning taxes. Those electing shall give the person elected a certificate of his election, and report such election to said chancery court. This report shall be filed in the aforesaid cause. Such election shall be held within the first ten days of January of each year. Said collector shall hold his appointment and office for one year from the date of such certificate, and until his successor shall be duly qualified; *Provided, however*, That he may, at any time, be removed by a majority of those vested with the power to appoint said officer, for inefficiency, or for other cause deemed sufficient by said majority. He may also be removed by the aforesaid chancellor, upon a petition for that purpose filed by said agent or trustee of said bondholders, after ten days notice of such petition, given to said tax collector, and the showing of a proper cause for such removal. In either case, the power removing such tax collector, shall fill the vacancy occasioned thereby. This power of removal and appointment may be exercised as often as occasion may require. Said electors shall also prescribe for such tax collector such bond and security as, from time to time, they may think proper. They shall also fix the amount of such tax collector's salary, fees or commissions, according to the mode of compensation by which they may determine to remunerate his services. Said tax collector's bond shall be approved by the parties appointing him, and the bond shall be filed in the aforesaid chancery court and cause. If at the time for the election of such tax collector, or at the time for exercising any of the powers authorized by this section, there shall be no such agent or trustee of the bondholders appointed or in existence, the chairman of the commissioners of Mobile, so long as they remain in

office, shall, in all matters of this section, be vested with the rights and powers conferred in this section on such agent or trustee, and shall act therein, when such trustee is authorized or required to act, as said trustee might do if he were in existence. Should there be no election within the time prescribed, said chancellor shall appoint such tax collector.

SEC. 14. *Be it further enacted*, That the taxes levied under this act shall have the force and effect of a judgment at law against the person assessed therewith; and said taxes are made a preference lien over all incumbrances and securities whatsoever (except State and county taxes), on all the property assessed, as well as on all other property owned by the tax payer on and after the first day of the year for which the tax is to be collected; and the same may be enforced and collected, not only in the manner herein provided, but also by the officers herein provided, in any manner and by any means that are, or may be, provided for the collection of State or county taxes; and all remedies made or given, or that may be provided for the collection of said taxes, are made applicable to the collection of the taxes herein provided. And the same authority and power is vested in the person charged with the collection of these taxes as is or may be vested by law in the officers charged with the collection of State and county taxes, just as if such tax collector were specially named in said laws, and there vested with such authority; and whenever, by such laws, the proceedings are required to be in the name of the State or county, they shall be in the name of such tax collector. Said taxes shall constitute a part of the taxes whose collection and payment are provided for in section 419 of the Code of Alabama, and they shall be ascertained and collected by the sheriff of Mobile county selling property under execution, as are the taxes mentioned in said section, and paid to the tax collector appointed under this act; or such taxes may be collected by any suit at law, and said lien may be enforced by proceedings in equity.

Taxes levied have force and effect of judgment at law.

SEC. 15. *Be it further enacted*, That immediately on the receipt of said corrected assessor's duplicate book, and before ten days from such receipt shall have elapsed, said tax collector shall notify the public, by advertisement for thirty days in some newspaper published in

Tax collector's notice to tax payers.

said county, that he is ready to receive payment of the taxes so levied.

Proceeding for
collection of
taxes.

SEC. 16. *Be it further enacted*, That after thirty days have elapsed from the first publication of such notice, the said tax collector, or his deputy, shall make a personal demand upon delinquent tax payers, wherever they may be found, for the amount of their taxes and costs, and whenever unable to find them, he shall leave a written or printed notice at the place of residence of such tax payers, respectively, requiring them to come forward and pay such taxes and costs immediately; and for giving such notice the tax collector shall collect a fee of twenty-five cents from the tax payer; and it shall be the duty of such delinquents forthwith to make payment in full of their taxes and fees to the tax collector, at his office; but no demand or notice shall be necessary to tax payers who are non-residents of said city; nor shall the failure of the tax collector to make such personal demand, or give such notice, prevent said tax collector from proceeding to collect such taxes; nor shall such failure in any manner vitiate his proceeding to enforce collection of the same.

Accountable
for the whole
assessed list
delivered to
him.

SEC. 17. *Be it further enacted*, That said tax collector shall be charged with, and accountable for, the whole amount of the assessed taxes for the year, and he shall only discharge himself from such accountability by showing that the amounts unpaid could not have been collected by the exercise of the means given him.

Discharged as
to all which he
could not col-
lect.

But in no case shall he be discharged from the amount of any tax so levied, unless he shall furthermore, in addition to such showing, subscribe and file in said chancery cause, in each case in which he claims a discharge, an oath in the following form: "I do solemnly swear that I made prompt and diligent search for personal property of (naming the tax payer or tax payers in this blank), whereof to make and collect the tax with which he is, or they are, charged, and that after such diligent search, I was unable to find sufficient personal property belonging to him, or them (as the case may be), from which to collect said tax or any part thereof."

SEC. 18. *Be it further enacted*, That all taxes laid under this act, which are not paid at the end of ninety days from the date of the first publication of the notice

required by section fifteen of this act, shall be in arrears and delinquent from that date. Upon all taxes paid in advance of such date, an abatement shall be allowed of one per centum per month on the amount of such tax, for each and every month so paid in advance; and upon all the taxes which shall be delinquent and unpaid on the aforesaid date, a penalty of one per centum on the amount thereof shall be added; on the first day of each month subsequent to such date, to all of such taxes as may then remain delinquent and unpaid, which shall be collected as said taxes are authorized to be collected, but without any further notice.

Abatement for advance payments and penalty for delinquency.

SEC. 19. *Be it further enacted*, That after the expiration of ninety days from the first publication of the tax collector's notice aforesaid, the tax collector or his deputy may levy upon and seize any personal property, if any there be, and sell the same for such taxes and costs, and no personal property so sold shall be subject to redemption; and if there be no personal property, or not sufficient personal property, then he or such deputy may levy upon and sell the real estate of such delinquent tax payers; *Provided*, That a failure to levy on and sell any personal property for taxes shall not vitiate the sale of real estate of any such delinquent tax payer; *Provided further*, That said tax collector, or his deputy, may make such seizure and sale at any time after the receipt of the aforesaid duplicate book and before the expiration of the ninety days, if he has good reason to believe that the property assessed has been, or is about to be, removed, concealed, or fraudulently disposed of, upon filing an affidavit to that effect in said cause. But when real estate is levied on, notice of the sale shall be given ten days before the day of sale, in some newspaper published in the county of Mobile, and a copy of such newspaper, containing the notice, shall be filed in the tax collector's office. The land may be described by such numbers and abbreviations as will indicate the property to be sold. The sale shall be at the court house of Mobile county, and commence on the day indicated in the notice. The sales may be continued from day to day until completed. If from any cause such sale is invalid to pass to the purchaser the title to the property sold, such sale shall operate to transfer to the purchaser the lien on the property here-

Right to levy after ninety days.

inbefore declared for the payment of taxes for which it was sold, and he may enforce this lien by any means provided in this act, or by any other appropriate remedy at law, or in equity. Said tax collector shall not receive any pay or commissions on the sale of real estate where the money is not paid by the purchaser thereof at the time of the purchase, nor where the real estate may be bid off for the use of said bondholders, until such taxes may be actually paid by redemption, or otherwise, when he may retain the same out of the money so paid.

Tax deed.

SEC. 20. *Be it further enacted*, That whenever any real estate may be sold for unpaid taxes, said tax collector shall give the purchaser thereof a deed therefor, in substance as follows: I, ———, tax collector under the act for the adjustment and settlement of the debts of the late city of Mobile, approved the — day of —, 188—, hereby certify that the taxes levied under the provisions of said act for the year — were due and unpaid by —, (stating the owner at the time of the sale,) at the time of the sale hereinafter mentioned; that said taxes amount to — dollars, and the costs and expenses of sale were — dollars; that on the — day of — I sold the land hereinafter described, at public outcry, to —, (here insert the name of the purchaser), the highest bidder therefor, for — dollars, which he has paid me before the execution of this deed. Now, therefore, by virtue of the power vested in me, and as such tax collector, I hereby convey to said — (insert the name of the purchaser in this blank,) the following described lands, with all their rights and appurtenances, to-wit: — (insert a description of the property in this blank space.) To have and to hold the same to the said —, his heirs and assigns, subject for the twelve months next after said date of sale to the right of redemption conferred on said owner by said act. But if said redemption is not effected as provided in said act, then to said —, (insert the name of the purchaser,) — his heirs and assignees in fee simple. In testimony whereof, I, as such tax collector, hereto set my hand, this the — day of —, 18—. *Tax collector as aforesaid.* [The blanks in the form of the deed above described, must be filled by the tax collector according to the facts of each case.]

SEC. 21. *Be it further enacted*, That any real property sold under the provisions of this act may be redeemed within one year next after said sale, by the owner thereof at the time of the sale, or by any one interested therein, by paying to said tax collector the amount of the purchase money, all taxes and costs that may have been paid by the purchaser, subsequent to his purchase, interest on the whole at the rate of twelve per centum per annum, and the costs of all certificates and conveyances necessary to perfect the redemption. Upon such payment said tax collector shall give the party redeeming a certificate of redemption, describing therein the land redeemed, and stating the amount of redemption money paid. Such certificate shall be *prima facie* evidence of the facts therein stated. The filing of this certificate of redemption in the office of the judge of probate of said county, shall revest the party redeeming with his former right, title and estate, as if his land had not been sold for taxes and been conveyed to the purchaser at such sale; and upon a demand by the party redeeming, his agent, or attorney, upon any person in possession of such redeemed land for a surrender of such possession, accompanied with an exhibition of such certificate of redemption, and a refusal or failure by such party in possession to comply with the demand, the party so refusing or failing shall thenceforth be an unlawful detainer of such redeemed lands, and the party so having redeemed may recover possession of said redeemed lands by an action of unlawful detainer, or any other action provided for the recovery of the possession of land. Immediately upon redemption of any lands bought by any purchaser other than the agent or trustee of said bondholders, the tax collector shall at once notify the purchaser of the land so redeemed, his agent or assignee, of such redemption, and that he is ready to pay him the redemption money; and, upon demand, he must give such purchaser, his agent, or assignee, a check for the amount due him upon said bank of Mobile, or other depository authorized by this act; *Provided, however*, That said purchaser, his agent, or assignee, shall first cancel and surrender his deed of purchase; and in case the same shall have been recorded, he must also file with said tax collector a certificate from said judge of probate, or his clerk,

How property
sold for tax can
be redeemed.

that said deed has been marked on the record, "cancelled by redemption." All deeds, certificates, and other papers connected with redemption shall be filed by said tax collector in his office, with such a reference thereto, on his redemption book that they can be readily referred to. Any money received by said tax collector for the redemption of lands bid off by the agent or trustee of said bondholders shall be paid into said bank or depository to the credit of his general account, to be applied to the payment of the coupons and bonds in the manner provided in this act, and such agent shall be notified by the tax collector of such redemptions.

Tax collector
to keep book
and record all
real estates less
and all redemptions.

SEC. 22. *Be it further enacted*, That said tax collector shall keep a well bound book in his office, conveniently indexed, and distinctly marked "Real Estate Book." Within ten days next after sales of real estate, he shall record in said book all real estate sold, so as to clearly designate each piece sold, the name of its owner at the time of the sale, the amount of the taxes, and the costs and expenses, including the cost of the deed to the purchaser, and the name of the purchaser, with the amount of his bid. Whenever any real estate shall have been redeemed, as provided in this act, it shall be the duty of said tax collector to make an entry thereof on said real estate book, at the appropriate place, with red ink, showing the redemption and the date thereof. This book shall remain in the said tax collector's office as a record thereof, and subject to public inspection; and any one who shall alter or change any entry therein, without authority, shall be guilty of a misdemeanor, and be subject to a fine of not less than five hundred dollars, or imprisonment in the county jail, or both, at the discretion of the judge trying the case.

Purchaser's
right to claim
possession.

SEC. 23. *Be it further enacted*, That any purchaser of real estate at the tax sales provided for in this act, or any one claiming under him, may, immediately after the receipt of the tax collector's deed for the land so purchased, sue for possession of the land so conveyed to him, notwithstanding the right of redemption authorized by this act, and the said deed shall be *prima facie* evidence of the matters and things recited in it, and of the regularity and correctness of all the proceedings under which the sale mentioned in the deed was made.

SEC. 24. *Be it further enacted*, That if in any suit by the purchaser, or any one claiming under him, against the owner or party in possession, to recover possession of lands hereafter sold for taxes, final judgment shall be rendered that the plaintiff is not entitled to recover possession of the land, on the ground of any invalidity in such sale, the court shall forthwith empanel a jury to ascertain the amount of taxes for which the land was liable at the time of the sale, and for which it was sold, and such taxes thereon, if any, as may have been lawfully paid by the plaintiff subsequent to the sale, with interest from the time of the sale, or subsequent payment, as the case may be, at the rate of twelve per centum per annum, if such judgment be rendered within the twelve months allowed for redemption; and at the rate of fifteen per centum per annum, if such judgment be rendered after the expiration of said twelve months; and the court shall thereupon render judgment against the defendant, and in favor of the plaintiff, for the amount thus ascertained, and the costs of the suit, which judgment shall constitute a lien on the lands sued for, and may be enforced by execution, as in other cases at law.

Proceedings in case party claiming fail to obtain possession because of invalidity of sale.

SEC. 25. *Be it further enacted*, That if in any suit by the owner of lands against a purchaser at a tax sale, in possession, or any one claiming under such purchaser, final judgment is rendered that the plaintiff is entitled to recover possession, because of any invalidity in the tax sale, the court shall forthwith empanel a jury to ascertain the amount of taxes for which the land was liable at the time of sale, and for the payment of which it was sold, and also the amount of taxes, if any, lawfully paid by the purchaser, or those claiming under him, subsequent to the sale, with interest from the time of the sale, or subsequent payment, as the case may be, at the rates specified in section twenty-four; and the court shall thereupon render judgment against the plaintiff, and in favor of the defendant, for the amount thus ascertained and the costs of the suit, which judgment shall constitute a lien on the land, and may be enforced as in other cases; and no writ of possession shall issue to put the plaintiff in possession of the land until said judgment is satisfied. But the defendant may, at any time, tender the

As to suits by owner of lands against purchaser at tax sales.

amount due, and no costs shall be adjudged against the defendant which may accrue after such tender, and a refusal thereof; *Provided*, That in case of suit brought, such tender shall be paid into court; and this provision shall also apply to section twenty-four of this act.

Averments as to claim under tax sale.

SEC. 26. *Be it further enacted*, That in any suit to recover the possession of lands, a statement in, or appended to the declaration of complaint, or appended to the plea of not guilty, that the plaintiff or defendant, as the case may be, claims or defends under a tax sale, stating the time of the sale, shall be sufficient pleading to authorize the court to institute inquiry and render judgment as provided in sections twenty-four and twenty-five of this act, and such statement shall be equal to an averment of all the facts necessary to entitle the party to recover such judgment.

When amount due by owner is tendered; judgment in his favor for costs afterwards accrued.

SEC. 27. *Be it further enacted*, That if in any suit by or against the owner to recover possession of the lands sold for taxes, it is made to appear that such owner has made the payment, or tender, required by law, for the redemption of said land, and the money tendered is brought into court for the opposite party, judgment shall be rendered in favor of such owner for such costs as accrued subsequent to such payment or tender.

Purchaser not liable for rents or forfeits until tender or payment of amount due is made.

SEC. 28. *Be it further enacted*, That the purchaser at a tax sale, or those claiming under him, in possession of lands, whether the sale was valid to pass the title, or was invalid to pass the title to the land, shall not be liable to account to the owner for rents, issues, or profits of the lands so held until the owner pays or tenders the amount of taxes for which the land was liable at the time it was sold, and for the payment of which it was sold, and the amount of all the taxes thereon lawfully paid by such purchaser, or those claiming under him, subsequent to such sale, with interest at the rates specified in section twenty-four of this act; *Provided*, That if the owner, at the time of the sale, is a minor, or a person of unsound mind, the defendant shall be liable for rents and profits, as in other actions to recover possession of land.

Exception.

SEC. 29. *Be it further enacted*, That the corporation in this State styled "The President and Directors and Company of the Bank of Mobile," and commonly called

the Bank of Mobile, is hereby constituted the depository of all money that may be collected under the provisions of this act, unless it is otherwise provided in the act. If said bank should refuse or fail to act as such depository, or if any one interested should, at any time, consider such depository unsafe or unsuitable, the aforesaid chancellor, in vacation, or said court, in term time, may, upon the petition of such interested party, inquire into the allegations of the petition, and if, in his opinion, circumstances should so require, he may nominate and constitute, by his order, some other safe and suitable depository in said Mobile, as such depository, in the place of said bank or depository. Any money deposited in said bank, or other depository so constituted, shall be received, held, applied, and paid out as provided in this act, and not otherwise, under the supervision and protection of said court of chancery.

Bank of Mobile
the depository
for money re-
ceived and col-
lected under
this Act.

SEC. 30. *Be it further enacted*, That all money collected under the provisions of this act, except such amount as may be necessary to defray expenses, shall be paid into said bank or depository, unless otherwise provided in the act, to the credit of, and in trust for, holders of bonds issued under this act, as provided in this act, and not otherwise; *Provided*, That any money received for the redemption of lands bid off by any purchaser, other than the agent or trustee of bondholders under this act, shall be deposited in said bank, or depository, to the credit of the aforesaid tax collector, on an account, that shall be a separate account, which shall be known as "Redemption Account." This special fund shall be drawn out on the check of said tax collector; these checks shall be taken from a check-book with a margin, or stub, on which, and opposite to each check, shall be written by said tax collector the date, amount, and purpose of the check; and all such checks shall be payable to the order of the person entitled to the money for which the check is drawn. Said bank, or depository, is charged with the payment of the coupons of the bonds issued under this act as they may fall due, out of any money deposited with it on general account, as herein provided, and with the application of any surplus as is provided in this act.

Money to be
paid in said
bank.

Receipts to be
given for de-
posits: account
to be filed in
chancery court.

SEC. 31. *Be it further enacted*, That said bank, or depository, shall give to any person depositing money with it under the provisions of this act, a receipt, or other appropriate evidence of such deposit. On the first day of May of each year it shall file, in the aforesaid chancery court, and in the aforesaid cause, an account of its receipts up to the first day of January of each year, and of its disbursements, under the provisions of this act, up to said first day of May. It shall also file with said account all vouchers in support of it, including the coupons and bonds paid by it. Any parties interested therein may file written exceptions to such report up to the first day of June then next following the date of the filing. On the first Monday in said June, the register of said court shall proceed to audit said account and hear such exceptions, and he shall report the result of his action, with the evidence that may be offered before him concerning said matters of account and exceptions, to the next term of said chancery court, for the consideration and action of said court at the said term, as is usual in said court in matters of account; and said court may decree on said matters as it may seem just. After such decree, all bonds and coupons filed, with the account, shall be destroyed, in the mode prescribed in section five of this act, unless the said court shall order otherwise respecting any of said bonds or coupons. The filing of said account shall be sufficient notice thereof, and of all proceedings respecting it, to all persons interested. The costs of said proceedings shall be paid by said bank, or depository, as part of the expenses incurred under this act. The costs or fees in said court shall be such as are usual in said court in such matters; *Provided, however*, That the fees of the register in chancery for services rendered in the aforesaid cause, during any period of twelve months, shall not exceed five hundred dollars; but he shall also have the allowance for clerical services, in making the final record, which is provided in section six of said act of February 11, 1879.

Bondholders'
right to select
person to act as
agent or trustee.

SEC. 32. *Be it further enacted*, That the holders of bonds, issued under the provisions of this act, of an amount aggregating not less than five hundred thousand dollars, may nominate, to the aforesaid chancellor, some person to act as agent or trustee of all the holders

of bonds issued under this act, and a majority of the holders of the class of bonds designated in section five as wharf bonds may nominate to said chancellor a superintendent of wharves, who shall have the authority and be subject to the provisions hereinafter set forth. Such nominees shall be approved and appointed by said chancellor, in term time or vacation, if deemed suitable, and if a suitable person be not nominated as such wharf superintendent, the chancellor shall make the appointment. The nominating bondholders may produce the evidence that they are *bona fide* holders of such bonds, to the extent required, before any commissioner, or master, that may be appointed by the aforesaid court, or by its chancellor, in vacation; and the certificate of such commissioner, or master, to that effect shall be sufficient evidence of the matter certified to authorize the said chancellor to act on such nomination. Should there be more than one nomination for the office of trustee, the chancellor may appoint the nominee which he may consider the most suitable. If no such agent or trustee has been nominated when the commissioners of Mobile shall have completed their duties, said chancellor, in vacation, or said court, in term time, shall appoint some suitable person to act as such agent or trustee. Such agent or trustee, when duly qualified, shall have the rights and powers conferred on him by this act, and be charged with the duties imposed by it. But he shall not be considered as so qualified until he shall have filed in said chancery court a bond, payable to the State of Alabama, in the sum of five thousand dollars, with good and sufficient securities, to be approved by said chancellor, and conditioned for the faithful performance of his duties. Any one aggrieved by the official action of such agent may sue on said bond, in his own name, for such grievance. Such agent or trustee may bid off any real estate sold for taxes under this act, and thereupon said tax collector shall make him a deed for the land bought, such as is required in the case of any other purchaser, except the deed shall be to him, as such agent or trustee, and show that he holds it as such on the trusts declared in this act. Such agent or trustee may sue, as such, for and recover possession of, the lands so conveyed to him; and should such lands be redeemed, he shall at

Superintendent
of wharves.

once be notified by said collector of the lands so redeemed. Such agent or trustee may also take and hold any property authorized by this act for the uses and purposes declared in it. He shall also have a general supervision over the collection of the taxes herein provided for, and he may, in his own name, as such agent or trustee, but for the use of the holders of the bonds issued under this act, have the right to commence and prosecute any suits at law or in equity, to enforce the performance of the duties imposed by, and the rights declared, in this act. Said office may be abolished by order of said court, on the petition of a majority of the bondholders, unless the court deem its further retention necessary. All the wharves which belonged to the said mayor, aldermen and common council, whether subject to the lien mentioned in section four of this act, or otherwise, shall be placed under the control, management and administration of the aforesaid superintendent of wharves, but under the direction of said court, or of the chancellor, in vacation, and subject to the limitation, as to rates of tariff, mentioned in section thirty-three of this act. This superintendent shall give bond and security for the faithful performance of his duties, to be approved by said chancellor, and in an amount to be prescribed by him; and he must render accounts, and make deposits and disbursements, under the orders or regulations of the chancellor, and he may be removed on petition for good cause shown. He shall also furnish by the fifteenth day of each month, to the commissioners of Mobile while in office, and after that, to the agent or trustee of the bondholders, an itemized account for the previous month, accompanied by vouchers, if required, of his receipts from, and disbursements on account of, the wharf property under his management, and also file a duplicate of such monthly accounts in said court. He shall also, at the time of rendering such monthly account, pay one-half of his net receipts into said bank, or depository, which shall be held and applied by said bank, or depository, as a sinking fund for the holders of the aforesaid wharf bonds, as hereinbefore provided. He shall pay the other half of such net receipts to said commissioners of Mobile, so long as they may remain in office, and afterwards to said agent or trustee of said

bondholders, to be accounted for and applied by said commissioners and agent or trustee as is required of them respecting other money which may come to their hands.

SEC. 33. *Be it further enacted*, That whenever the aforesaid commissioners of Mobile shall go out of office they shall transfer to such agent or trustee, for collection, all uncollected taxes which were laid by said late city of Mobile, and said agent shall have all the rights and powers for the collection, settlement and compromise of the same which are vested by law in said commissioners. Said commissioners shall also transfer and deliver to said agent or trustee all the property, real and personal, held by them as such commissioners, and whose disposition is not otherwise provided for in this act. The same shall be held by such agent or trustee upon the trusts that such property was charged with in the hands of said commissioners. Any such property, except where its character was such that it was not liable for the debts of said city of Mobile, may be used, managed and administered by such agent or trustee as to him may seem best for the interest of all concerned, but under the supervision and control of said court or chancellor; or he may rent or lease such property on such terms, conditions and securities as to him may seem best; *Provided*, The terms and conditions of such rents or leases be approved by the aforesaid chancellor. But the tariff, or rate of wharf charges, shall not exceed those now in operation without authority of the General Assembly of Alabama. Should the inhabitants within the limits of the territory subject to this tax, or any portion of them, acting through any agency or body authorized to represent them, at any time desire to acquire said property, or any portion of it, said agent or trustee is authorized to dispose of and convey the same to such party as may be designated by such representative agency, on such terms as may be agreed on; *Provided*, Said chancellor approve such terms. Said agent or trustee shall receive a salary, at the rate of one thousand dollars per annum, while said commissioners of Mobile remain in office, should the bondholders see fit to nominate one during that time, which salary shall be paid as part of the expenses hereinbefore mentioned; and at the rate of two thousand dollars per

What commissioner on going out of office shall do.

annum after said commissioners go out of office, to be retained out of the income of the property placed under his management and administration.

Duties of agent
or trustee.

SEC. 34. *Be it further enacted*, That any money received by such agent or trustee must be applied to pay the expenses of his agency and administration, including the proper repairs, maintenance, insurance, and preservation in good order of the property under his management, and any surplus shall be paid into and applied by such bank, or depository, to pay the coupons and bonds issued under this act, as provided by it. Such agent or trustee, at each term of said chancery court, shall render an account to said court of all money received and paid out by him, with his vouchers in support thereof, and of his actings and doings. The expenses and costs thereof shall be paid as provided in section thirty-one of this act. All moneys received by said agent or trustee shall be deposited promptly on receipt with said bank, or depository, and checked out by him as is provided concerning the tax collector, and the margin or stub of his check book must contain a memorandum, showing the date, purpose and amount of the check, and to whom the same was made payable.

Notice from
chancery court
to bondholders
and creditors.

SEC. 35. *Be it further enacted*, That within one month after the passage of this act it shall be the duty of said court of chancery, if in session, and if not of the aforesaid chancellor in vacation, to make an order for the publication of a notice to all creditors of the said mayor, aldermen and common council of the city of Mobile, who have not already filed their claims in said cause, whether they be such by bond, coupon, note, judgment, open account, or other form of indebtedness, to file their claims against said corporation in said court, and to notify said court of their assent to, or dissent from, the provisions of this act before the first day of January, 1882. The publication shall contain a succinct statement of the main provisions of this act for the benefit of such creditors, and said claims and expressions of assent or dissent may be filed with any of said commissioners as officers of said court, and with such other persons as said court or chancellor may appoint for that purpose. The presentation of claims for exchange or settlement, under this act, shall be

deemed an assent to its provisions, and the date when such claims are presented shall be reported to said court by said commissioners, or other persons appointed under this act to receive such claims, or dissents. The said court of chancery is vested with exclusive jurisdiction of all causes of controversy or claim between the creditors of said corporation and the complainants in the aforesaid cause, as well as of all controversy or claim respecting the money that may be collected or realized under this act, or concerning the assets that are in the hands of such commissioners of Mobile; all which are placed by this act under the protection and supervision of said court. The various agents and officers designated in this act for the collection, receipt and disbursement of money under this act, are, and shall be, trustees for the benefit of the holders of the bonds and coupons issued under this act, according to the trusts stated in the act. They shall be appointed receivers and agents of the aforesaid chancery court in the cause aforesaid, and they shall be under the supervision and direction of said court. They shall have the right to apply to said court, or to the chancellor thereof, in vacation, for directions and instructions in the discharge of their trusts, and said court shall protect them by all appropriate orders. The provisions of this act are applicable to the payment of the interest and principal of the bonds that may be issued under its authority, and shall not be applied or be enlarged, or be extended so as to be made applicable to or for any other purpose, and the terms of this act are to be held and deemed to be a contract between the said commissioners of Mobile, fully empowered by this act, and the holders of bonds and coupons issued under it, for the payment of such bonds and coupons, and no others, out of any money raised under this act, according to the terms and conditions of the act, and the same shall be binding and obligatory on the tax payers residing within the limits of said city as aforesaid, herein represented by said commissioners, so that the scheme and system of taxation under this act, intended as a full provision for all the debts of the aforesaid corporation which may be established in said cause as justly due, shall enure to and for the benefit of the holders of

bonds issued under the act, and to and for their benefit only.

SEC. 36. *Be it further enacted*, That any part of the aforesaid act of February 11, 1879, and all other laws or parts of laws which are in conflict with the provisions of this act, be, and the same are, hereby repealed.

Approved December 8, 1880.

No. 262.]

AN ACT

[H. B. 497.

To relieve Percy Hairston, of Greene county, from the disabilities of non-age.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That Percy Hairston, of the county of Greene, be, and he is, hereby relieved of all the disabilities of non-age, and that he be, and is, hereby authorized to sue and be sued, contract and be contracted with, to receive and take possession of his estate, and if necessary to give receipts and acquittances therefor; to purchase, sell, and mortgage real and personal property, and to do and perform all things as effectually and legally as though he was twenty-one years of age.

Approved December 8, 1880.

No. 263.]

AN ACT

[H. B. 260.

To prohibit the burning of woods within three miles of any coaling ground of the Woodstock Iron Company, within the limits of Calhoun county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act it shall be unlawful for any person to burn, or set fire to, any woods within three miles of any coaling ground of the Woodstock iron company, within the limits of Calhoun county.

SEC. 2. *Be it further enacted*, That any person, or persons, intentionally violating the provisions of the

foregoing section of this act shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined not exceeding one thousand dollars, and may also be imprisoned in the county jail not exceeding ninety days, at the discretion of the court trying the same.

SEC. 3 *Be it further enacted*, That for the conviction of each defendant, under the provisions of this act, the solicitor prosecuting the same shall be entitled to a fee of twenty dollars, to be taxed as costs against such defendant, and collected as in other cases of misdemeanor; *Provided*, That this shall not interfere with the rights of parties to burn off their own lands.

Approved December 8, 1880.

No. 264.]

AN ACT

[s. 176.

To provide for the election of the officers who shall constitute the "Mobile Police Board of the Port of Mobile," and a tax collector from and after the first Monday of March, 1882, to fix their terms of office, and to provide for the more effectual government of the port of Mobile.

SECTION 1. *Be it enacted by the General Assembly of Alabama*. That on the first Monday in March, 1882, and on the first Monday in March every three years thereafter, a president of the Mobile police board of the port of Mobile and eight commissioners shall be elected, in the manner hereinafter provided, which president and commissioners shall constitute and be styled "The Mobile Police Board." One of said commissioners shall be elected for each ward in the port of Mobile. Said president must, at the time of his election, reside in the port of Mobile, and be a qualified elector thereof, and each commissioner must reside in the ward for which he is elected, and be a qualified elector in such ward. Said president and each of said commissioners shall be elected by the qualified voters of all the wards in the port of Mobile, voting in the wards of their respective residence. If said president should cease to reside within the port of Mobile, during the term for which he was elected, he shall thereby

Election of Mobile police board first Monday in March, 1882.

cease to hold his office, and the vacancy thereby occasioned shall be filled by the commissioners then in office, and the appointee shall hold for such unexpired term. Should any commissioner cease to reside in the ward for which he was elected during his term, his office shall become vacant thereby, and the vacancy shall be filled for the remainder of the unexpired term by the other commissioners. The president and commissioners so elected shall hold their offices for the term of three years next following the date of their election, and until their successors may be duly elected and qualified. On the first Monday in March, 1882, and on the first Monday in March every three years thereafter, a tax collector shall be elected in the same manner as is provided in this act for the election of the president of the police board. Said tax collector must, at the time of his election, reside in the port of Mobile and be a qualified elector thereof. He shall hold his office for the term of three years next following the date of his election and until his successor is duly elected and qualified. And if such tax collector cease to reside within the port of Mobile, during the term for which he was elected, he shall thereby cease to hold his office, and the vacancy thereby occasioned shall be filled by the commissioners then in office, and the appointee shall hold for such unexpired term.

How the election shall be held and conducted.

SEC. 2. *Be it further enacted*, That the Mobile police board which may be in existence at the time provided for such elections shall appoint three inspectors of the aforesaid elections and one returning officer for each polling place in said wards, who must be residents of the wards for which they may respectively be appointed. Said board must also provide for the opening of one polling place for voters at said elections, in each of said wards, and it may provide for the opening of two polling places in the seventh ward, if it deems that necessary. The president of said police board shall give ten days notice, by advertisement in some newspaper published in the port of Mobile, of the time and places of holding said elections and of the inspectors and returning officers of said respective wards. He shall also cause to be made duplicate copies of so much of the registration list for the county of Mobile as may embrace the regiss

tered voters who reside within the corporate limits of the port of Mobile, dividing the same into separate alphabetical lists of the registered voters of each ward. He shall compare such copies with the original registration lists, and correct the same so that they shall be accurate, and certify on each that it is a correct list of the registered voters for the ward it appertains to. He shall have free access to said registration lists for this purpose. One of each of said duplicates shall be filed with the clerk of said corporation, where it shall remain as a record of his office; and on or before the day of the election, and before the opening of the polls, he shall furnish the inspectors for the respective wards with a copy of the list of registered voters of the wards for which such inspectors were appointed. It shall be the duty of the chief of police of the port of Mobile, and of the sheriff of Mobile county, to preserve strict order at said elections, and to see that the laws governing elections in this State are promptly enforced. Said elections shall be conducted according to the laws of this State respecting the election of State and county officers, except as otherwise provided in this act. No person shall be entitled to vote at said elections unless he possesses the qualifications mentioned in article eight of the constitution of this State, nor unless he shall have resided fifteen days within the ward in which he proposes to vote, and is a registered voter in such ward. Said inspectors at the several polls, shall, immediately on the closing of the polls, proceed and count the ballots, compare them with the poll lists at their respective polls, and certify the result of the election in their respective wards to the president of said police board. They shall inclose the ballots cast in their respective wards, with the poll and registration lists, and their said certificate of said result, in the box wherein the ballots cast at such election were placed, and after fastening and carefully sealing said box, they shall deliver the same, with its said contents, to the returning officer of their ward, and the same shall be immediately delivered by him to said president, who shall give such returning officer his receipt for the box, stating therein its condition when received. Said president shall convene said police board as soon thereafter as practicable.

Said police board, within one day from the time it is so convened, shall, in public, open said boxes, and by a count of the ballots, a comparison thereof with the poll and registration lists, if necessary, and the certificates of said inspectors verify, and, if necessary, correct said certificates of the inspectors for the several polls, and declare, accordingly, the election to their respective offices of the persons who may have received the largest number of legal votes cast for said respective offices. Thereupon, the president of said board shall give to the persons so declared elected certificates of election to the office to which they may have been so declared elected; *Provided, however,* That if such president shall have been re-elected to such office of president, then his certificate of election shall be signed by one of said commissioners, who shall be constituted by said commissioners a vice president for the purpose. Said certificates shall entitle the persons receiving them to the possession of the office designated in the certificate, and such persons respectively shall take possession of the office designated in their respective certificates on the second Monday next following after that of their election, and at twelve, o'clock, meridian, of that day, or as near thereto as practicable; but such persons shall severally take the oath of office prescribed by article fifteen of the State constitution. Should two candidates for the same office receive an equal number of votes, the members of the retiring police board shall determine by ballot which of the two shall have the office; and thereupon, the president of said board, or in the case of re-election above provided for, the said vice-president shall give the one so elected a certificate of his election, as above provided, which shall entitle the party receiving it to the office specified in the certificate. Said police board must cause the ballots cast in the said several wards at such elections to be carefully sealed up and preserved, with such poll and registration lists, for fifteen days after the election in which such ballots were cast. After said fifteen days have expired, said president shall cause said ballots to be burned in his presence, unless a contest of such election shall have been instituted, in the manner provided by the laws of Alabama for the contestation of elections, and notice thereof in

writing served on said president before the lapse of said fifteen days. Should a contest be instituted, and notice thereof be given to said president within the time stated, he shall cause said box and contents, duly sealed, to be delivered to the order of the judge in whose court the contest may be pending. The expenses of the elections authorized by this act shall be paid by said police board, in the same manner as other expenses are paid, under the act approved February the 11th, 1879, entitled "An act to incorporate the port of Mobile, and to provide for the government thereof." Should any vacancy occur in said police board during the term for which its members may have been elected, it shall be filled for the remainder of the term by the remaining members of the board.

SEC. 3. *Be it further enacted*, That the commissioners elected and appointed under the provisions of the aforesaid act of February the 11th, 1879, shall continue in office as such commissioners until the first Monday of March, 1882, and until their successors are duly elected and qualified. They and the president and commissioners and tax collector who may be elected under the provisions of this act shall, respectively, have and exercise all the rights and powers conferred respectively on the president of the Mobile police board, and on said commissioners, and on said tax collector, by the aforesaid act of February the 11th, 1879, and also all conferred on them by this act, and they shall be charged with the duties imposed on them by said act, and by this one; and the officers and agents appointed by the said Mobile police board shall have the rights and powers conferred, and be charged with the duties imposed, by both acts on such officers and agents; but neither said police board, nor said commissioners, nor said officers, or agents, shall have or exercise any other rights or powers. In all elections by the said Mobile police board, the members shall vote *viva voce*, and the vote shall be entered on the minutes of said board.

Present board
continued until
next election in
1882.

SEC. 4. *Be it further enacted*, That the present president of the Mobile police board, and its present tax collector, be, and they are, hereby continued in their said respective offices until the first Monday of March, 1882, and until their respective successors shall be duly elected and qualified; but said tax collector's contin-

Tax collector
subject to re-
moval; to make
new bond.

nance, as aforesaid, is subject to the power of removal provided in section eight of the aforesaid act of February the 11th, 1879, and subject to the precedent condition, that on the expiration of the term for which he was originally appointed, he shall enter into such new bond and security for the faithful performance of his duties during the term for which he is continued by this act, as said police board may prescribe and approve. If he fails to give such bond within five days next after the expiration of said original term, the existing commissioners may select and appoint a tax collector for said board, as provided in said section eight, who, subject to the right of removal and other conditions mentioned in said section, shall continue in office until the first Monday of March, 1882, and until his successor is duly elected and qualified. The president and tax collector provided for in this section shall have all the rights given to, and exercise all the powers conferred on, and be charged with all the duties, and be subject to all the conditions and limitations imposed, respectively, upon the president and tax collector, whose offices are continued by the aforesaid act of February the 11th, 1879, and also all the rights, powers, duties and conditions given or imposed by this act on said respective officers, except as otherwise provided in this act.

Certain additional powers conferred on police board.

SEC. 5. *Be it further enacted*, That in addition to the powers conferred on the aforesaid police board by said act of February 11th, 1879, it shall have power to establish and declared by ordinance, a designated line along the river fronts, within the corporate limits of the port of Mobile, beyond which wharves or other constructions shall not be erected or extended, after the passage of said ordinance; *Provided, however*, That such ordinances shall not affect any wharves or constructions already established. It shall also have power to determine and declare, by ordinance, to what extent, and in what manner, wharves or other constructions along said river fronts shall be built or erected, and when and with what kind of material the same may be filled in. It shall also have power to pass ordinances to enforce obedience to all lawful orders of the harbor master and wardens of the port of Mobile, or to those of said wardens, or to those of any number of the persons named

who are authorized to act, and give such orders ; and it may provide in such ordinances such punishment for breaches of said ordinances as is authorized by the act above mentioned in this section, for violations of the ordinances authorized by it. The president of said police board, sitting as recorder for said port of Mobile, shall have jurisdiction to hear and decide all charges or complaints made of violations of such ordinances, and to punish the same, as provided in such ordinances, and to enforce such punishment just as he is authorized to hear and decide charges for the violation of other ordinances of said port of Mobile, and to punish for violations of the same. Said police board may abate any nuisances on or along said river front.

Sec. 6. *Be it further enacted*, That the tax collector of the port of Mobile, who is continued by this act, and his successors in office, shall have the power to collect the taxes levied under this act, and under the act to which this is made a supplement, from insolvent or defaulting tax payers, by process of garnishment, in the same manner and by the same proceedings as is provided by section 416 of the Code of Alabama; and the same duty is imposed on him, and the same powers and means are given to him, for the collection of said taxes as are conferred by said section on the State and county tax collectors for the collection of State and county taxes; and the same fees and costs shall be allowed out of the fund garnisheed as is allowed by that section in the cases provided for by it. But the proceedings shall be in the name of the port of Mobile. Said taxes shall also constitute a part of the taxes, the collection and payment of which are provided for in section 419 of the Code of Alabama, and they shall be ascertained and collected by the sheriff of Mobile county, selling property under execution, as are the taxes mentioned in said section, and when collected they shall be paid to the tax collector of the port of Mobile.

Sec. 7. *Be it further enacted*, That neither the said police board, whether under the aforesaid act of February the 11th, 1879, or under this act, which is supplemental to said act, nor said commissioners, under either or both acts, shall levy any other or further tax than the six-tenths of one per centum of the value of the property within the corporate limits of the port of

Limit as to tax
levy.

Mobile, which is authorized by the seventeenth section of the first above named act of February the 11th, 1879, and the license taxes authorized by section thirty of said last named act; nor shall said board or commissioners lay any tax for any other purposes than those specifically stated in said act, and in this one; nor shall it or they levy any tax of any kind or amount, or for any purpose whatever, on any property situated beyond, and not embraced within, the boundaries and corporate limits of said port of Mobile, as defined and fixed by said act of February the 11th, 1879; and any tax or license charges other than those authorized by said sections seventeen and thirty, which said board or commissioners may levy or attempt to levy, shall be null and void, and not be collectable, and any tax payer may enjoin, by bill in chancery, and restrain, without bond, the tax collector of the port of Mobile from collecting any tax which said board or commissioners may levy or attempt to impose beyond the aforesaid tax and license charges, or any it or they may levy or attempt to levy upon property not within the aforesaid corporate limits of the port of Mobile. The provisions of this act, and of the aforesaid act of February the 11th, 1879, shall not be applied, nor be enlarged, nor extended so as to be made applicable, to or for any other purposes than those stated in said acts, and neither the port of Mobile, nor said Mobile police board, nor said commissioners, nor their officers or agents, shall have anything whatever to do with, or concerning, the affairs, property, or liabilities of the late municipal corporation, which was styled, "The Mayor, Aldermen and Common Council of the city of Mobile;" all of which matters have been fully provided for by separate and distinct legislation concerning all those subjects.

Sec. 8. *Be it further enacted*, That all the provisions of the aforesaid act of February the 11th, 1879, to which this is made a supplement, except as modified by this act, shall remain in full force, and the same are made applicable to all officers and agents that may be continued by this act, or that may be elected or appointed under its provisions; but all laws or parts of laws in conflict with this act, or any of its provisions, are, in so far, repealed.

Approved December 8, 1880.

No. 265.]

AN ACT

[s. 101.]

To amend the first section of "An act to amend the charter of the Mobile Omnibus Company," approved December the 7th, 1861, and to change the name of said company.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the first section of the act entitled "An act to amend the charter of the Mobile Omnibus Company," approved December 7th, 1861, be amended so as to read as follows: That the charter of said omnibus company, approved January 26, 1858, be so amended as to extend the corporate existence of said company under the laws of the State of Alabama for the term of thirty years, from and after the 26th day of January, 1881, being the day of the expiration of the term provided by the first section of said amended act, approved December 7, 1861. Corporate existence extended.

SEC. 2. *Be it further enacted,* That the name of said corporation be changed from Mobile omnibus company to the Dauphin and LaFayette railway company of Mobile, by which name it shall hereafter be known and called. Name changed to Dauphin and LaFayette Railway Company of Mobile.

SEC. 3. *Be it further enacted,* That all laws or parts of laws, so far as the same conflicts with the provisions of this act, be, and the same are, hereby repealed.

Approved December 8, 1880.

No. 266.]

AN ACT

[s. 110.]

To incorporate the town of Davisville, in Calhoun county, Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the town of Davisville, in Calhoun county, be, and the same is, hereby incorporated, and the corporate limits of said town shall embrace an area of land as follows: The centre of said town shall be the Masonic Hall building as now located, from which point the limits shall extend one-half mile in every direction. Corporate limits defined.

Intendant and
five council-
men to be elect-
ed first Monday
in January,
1882, and eve-
ry year there-
after.

SEC. 2. *Be it further enacted*, That an election shall be held in the town of Davisville on the first Monday in January next, and the same day annually thereafter, for the purpose of electing an intendant and five councilmen, inhabitants of said town, who shall serve for the term of one year and until their successors in office are elected and qualified; which election shall be held by some justice of the peace of the county and two freeholders of said town, and all subsequent elections shall be held and conducted by the intendant and two councilmen, and in the absence of the intendant, by a majority of the councilmen. All persons living in said town who are qualified to vote for members of the General Assembly of the State are entitled to vote in said town election.

Oath of office.

Duty of the in-
tendant; rights
and powers of
the corpora-
tion.

SEC. 3. *Be it further enacted*, That the intendant and councilmen, together with the town marshal, treasurer and clerk, each of which officers the intendant and council shall elect, shall, severally, before they enter upon the discharge of their duties, take the oath as prescribed by the constitution of the State, as well as the following: "I do solemnly swear that I will perform all the duties required of me (as intendant, councilman, treasurer, clerk or marshal, as the case may be,) to the best of my ability and judgment, so help me God." A certificate of which oath shall be filed with the records of the board. It shall be the duty of the intendant to preside at all meetings of the councilmen and preserve order and decorum, and in his absence any councilman may be called to the chair; and the intendant and councilmen are hereby declared a body politic and corporate by the name and style of the "Intendant and Councilmen of Davisville," by which name they and their successors in office shall be capable in law of suing and being sued, of pleading and being impleaded, in all manner of suits, either in law or equity, and shall have power to keep a common seal and the same to alter and amend at pleasure, and in general to do and perform all acts which are incident to bodies corporate, and to purchase, hold, and dispose of, for the benefit of said town, real, personal and mixed property to the value of twenty thousand dollars.

SEC. 4. *Be it further enacted*, That the intendant and councilmen, or a majority of them, are hereby

invested with full power to keep open and in good repair the streets of said town, and for that purpose may levy a tax of not exceeding three dollars on all persons within the corporate limits who are liable to work on public roads of the State; and in default of payment of said taxes, may require such persons to work on the streets of said town as required by the laws of the State; to prevent or remove nuisances; to establish night and day police and a town jail or guardhouse; to erect lamps; to regulate the paving and flagging of drains and sidewalks; to prevent, by adequate penalties, the injury or destruction of shade or ornamental trees in said town; to license, tax and restrain at pleasure theatrical amusements, shows and menageries of all kinds whatsoever within said corporation; and may also assess and collect a tax of not more than one hundred and fifty dollars on the sale, by retail, of spirituous liquors, on each retail liquor dealer within said corporate limits; to preserve the peace and good order of said town; to enact and publish any regulations, by-laws and ordinances necessary and proper for the good and orderly government of said town, not inconsistent with the constitution and laws of this State, and to enforce the observance of said regulations, by-laws and ordinances, by a fine not exceeding fifty dollars for each violation thereof, and imprisonment not exceeding ten days in the town prison.

Keep up streets,
levy tax, re-
move nuisan-
ces, &c.

SEC. 5. *Be it further enacted*, That the intendant and councilmen shall have the power to levy and collect a tax on the inhabitants of said corporation on all articles and subjects of State taxation, to raise money for properly governing and managing the affairs of the corporation and enforcing its laws and ordinances, and the powers granted by the provisions of this charter; and they shall, as soon as convenient after their election, elect, by joint ballot, a clerk, treasurer, and marshal for said town; and it shall be the duty of said clerk to issue all executions for fines and taxes which may be necessary, signing the same and delivering the same to the marshal, whose duty it shall be to collect and pay over the same to the treasurer, which last named officer shall give bond and security to the intendant and councilmen before he enters upon the discharge of the duties of his office; and the intendant and councilmen shall have

As to subjects
of taxation.

Clerk to be
elected.

power to remove from office the clerk, treasurer, and marshal, and elect others, and may fix the salaries and fees to be received by these officers, and, if deemed advisable, may require bonds of the clerk and marshal for the faithful performance of their duties; *Provided*, That the tax levied and collected by said corporation on the property of citizens thereof shall not be more than one-half of one per centum of the value of such property as assessed for State taxation during the preceding year.

Citizens of corporation exempt from road duty.

Sec. 6. *Be it further enacted*, That the citizens of said town shall be exempt from working on public roads.

Power to open new streets.

Sec. 7. *Be it further enacted*, That the intendant and councilmen shall have power to open new streets within the corporate limits of said town, or change, alter or close such streets as now or hereafter may be opened within the limits of said town; *Provided*, That when new streets are opened on private property the owner shall receive full compensation for the property so occupied, to be assessed by a jury of five disinterested freeholders selected for that purpose by the intendant of said town.

Intendant conservator of the peace

Sec. 8. *Be it further enacted*, That the intendant of said town is a conservator of the peace within the corporate limits thereof, and it is his right and duty to suppress all affrays, routs, riots, unlawful assemblies and insurrections, and lewd, indecent, profane, boisterous, riotous or disorderly conduct in any public place therein; to do which, he may summon to his aid as many of the male inhabitants residing in the corporation as he thinks proper. He has also full power to punish for contempt in the same manner and under the same rules and regulations prescribed by the Code of Alabama in reference to the punishment of contempt by justices of the peace. He has full power to try all offenses against all the by-laws and ordinances of the said corporation, without regard to the amount of fine, punishment or forfeiture, and to punish the offender both by fine and imprisonment in the manner prescribed by said by-laws and ordinances; and the marshal of said corporation has full authority to execute all the lawful ordinances, resolutions, by-laws and orders of said corporate authorities within their jurisdiction, and must, without warrant, arrest all offenders breaking

the peace or violating any ordinance of the town in his presence, and bring them before the intendant; and for any other breach of the peace or violation of the ordinances he shall arrest the offenders upon due legal process, and in order to the execution of his powers and duties, he may summon to his aid as many of the male inhabitants residing in the corporation as may be necessary.

Approved December 8, 1880.

No. 267.]

AN ACT

[H. B. 290.

To prohibit the sale of malt, vinous, or spirituous liquors, or other intoxicating drinks, within three miles of the Central Institute, in the county of Elmore.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act it shall be unlawful for any person or persons to sell, vend, exchange, barter away, or in any manner dispose of, any malt, vinous, or spirituous liquors, or other intoxicating drinks of any kind whatever, within the distance of three miles of the Central Institute, in the county of Elmore; and it shall not be lawful to issue a license authorizing any person or persons to sell, vend, exchange, barter away, or otherwise dispose of, any malt, vinous and spirituous liquors, or other intoxicating drinks, within the limits aforesaid. Sale prohibi-
ted.

SEC. 2. *Be it further enacted*, That the provisions of this act shall not apply to any person who now has a license to retail liquors within said limits, until after the expiration of the time for which such person has obtained the license; *And provided*, That nothing therein contained shall be so construed as to prevent physicians from administering stimulants to their patients, when necessary. Does not apply
to persons who
have taken out
a license or to
physicians.

SEC. 3. *Be it further enacted*, That if any person shall violate, or in any manner whatever evade, or attempt to evade, or aid in evading any of the provisions of this act, he or they shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than one hundred dollars, and may be imprisoned Penalty.

in the county jail not less than thirty days, at the discretion of the judge trying the same.

SEC. 4. *Be it further enacted*, That this act shall be deemed and held a public act, and shall be given in charge to the grand juries at each and every term of the circuit court of said county.

SEC. 5. *Be it further enacted*, That all laws or parts of laws contravening the provisions of this act be, and the same are, hereby repealed.

Approved December 8, 1880.

No. 268.]

AN ACT

[H. B. 253.]

To authorize and empower the city of Troy to levy and collect license taxes upon any business, occupation, avocation, or employment that may be carried on within its corporate limits.

May levy taxes.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the city of Troy be, and is, hereby authorized and empowered to levy and collect a license tax upon any business, occupation, avocation, or employment that may be carried on or engaged in by any person, firm, company, or corporation within the limits of said city; and said city may, by its corporate authorities, pass any and all ordinances necessary to carry this act into effect

Approved December 8, 1880.

No. 269.]

AN ACT

[H. B. 391.]

To prevent the sale, giving away, or otherwise disposing of, spirituous, vinous, or malt liquors, or other intoxicating drinks, within three miles of the church at Jemison, in the county of Chilton.

Prohibition.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That it shall be unlawful for any person to sell, give away, or otherwise dispose of, spirituous, vinous or malt liquors, or other intoxicating drinks,

within three miles of the church at Jemison, in the county of Chilton.

SEC. 2. *Be it further enacted*, That any person violating the provisions of this act shall be guilty of a Penalty. misdemeanor, and, on conviction, shall be fined not less than one hundred nor more than five hundred dollars, and may also be sentenced to hard labor for the county for a term not exceeding six months, one or both, at the discretion of the jury trying the same.

Approved December 8, 1880.

No. 270.]

AN ACT

[s. 109.

To incorporate the Opelika Female Institute.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That there shall be established in the town Board of trust. of Opelika, in Lee county, a female college, to be known as "The Opelika Female Institute," and that Wm. H. Barnes, Geo. P. Harrison, A. S. Andrews, J. K. Edwards, A. G. Emory, R. C. Jeter and W. E. Hudmon, and their associates and successors in office, be, and they are, hereby declared a body corporate and politic, by the name and style of the "Board of Trust" of "The Opelika Female Institute," and as such shall be capable of suing and being sued, pleading and being impleaded, and to have and to use a common seal, to break, alter, or amend the same at pleasure.

SEC. 2. *Be it further enacted*, That the said board Powers of board. of trust, their associates and successors in office, under such rules and regulations as they may establish, shall have power to elect a president and such other officers of their body as they may think proper; and for the use and benefit of said institute, shall be capable of acquiring, by purchase or otherwise, of accepting, receiving, and being invested with all manner of property, real and personal, and also all donations, gifts and grants, and to sell and dispose of the same as they may think proper; *Provided, however*, The property so held shall not at any one time exceed the sum of twenty thousand dollars.

SEC. 3. *Be it further enacted*, That the said board

Duties.

of trust, their associates and successors in office, or a majority of them, shall be authorized to grant diplomas, certificates, or other evidences of scholarship, to pass such by-laws, rules and regulations for the government of their body and said institute as may be deemed necessary; *Provided*, Such by-laws, rules and regulations shall not be repugnant to the laws and constitution of the State of Alabama.

Approved February 1, 1881.

No. 271.]

AN ACT

[s. 95.

To incorporate the William R. King Female College.

Board of visitors.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That there shall be established in the town of Uniontown, in Perry county, a female college to be known and called "The William R. King Female College," and that J. W. Bush, B. F. Harwood, Jesse Harwood, J. W. Coleman, Samson Frid, P. H. Pitts, Jr., T. G. Foulie, M. L. Ernst, J. M. Davidson, E. W. Booker, M. Marx, and John Bradfield, and their associates and successors in office, be, and they are, hereby declared to be a body politic and corporate by the name and style of "The Board of Visitors of the William R. King Female College," and as such, shall be capable of suing and being sued, of pleading and being impleaded, and to have and to use a common seal, to break, alter, or amend the same at pleasure.

Duties.

SEC. 2. *Be it further enacted*, That said board of visitors, their associates and successors in office, under such rules as may be established, shall have power to elect a president and such other officers of the body as they may think proper; and for the use and benefit of said college, shall be capable of acquiring, by purchase or otherwise, of accepting, receiving, and being invested with all manner of property, real and personal, and also all donations, gifts and grants, and to sell and dispose of the same as they may think proper; *Provided*, *however*, That the property so held shall not, at any one time, exceed the sum of ten thousand dollars.

SEC. 3. *Be it further enacted*, That the said board

of visitors, their associates and successors in office, or a majority of them, shall be authorized to grant certificates, diplomas, or other evidences of scholarship, to pass such by-laws, rules, and regulations for the government of their body and said college, as may be deemed necessary; *Provided*, Such by-laws, rules and regulations shall not be repugnant to the laws and constitution of the State of Alabama.

Approved February 1, 1881.

No. 272.]

AN ACT

[H. B. 358.]

To prohibit the sale, or giving away, or otherwise disposing of, spirituous, vinous, or malt liquors, within three miles of Dunn's Creek Baptist church, in Crossland's beat, Tuskaloosa county, Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act it shall be unlawful for any person, or persons, to sell, give away, or otherwise dispose of, any spirituous, vinous, or malt liquors, within three miles of Dunn's Creek Baptist church, in Crossland's beat, Tuskaloosa county, Alabama.

SEC. 2. *Be it further enacted*, That any person, or persons, violating the provisions of this act shall, on conviction, be fined not exceeding two hundred dollars, and may also be imprisoned in the county jail or put to hard labor for the county not exceeding three months, at the discretion of the court or jury trying the same. ^{Penalty.}

Approved February 5, 1881.

No. 273.]

AN ACT

[H. B. 302.]

To prevent the sale of intoxicating drinks within three miles of Midway Church, Monroe and Conecuh counties.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act that any person or persons who shall give away, or otherwise dispose of, vinous or malt liquors within three miles of Midway church, situated on the line of Monroe and Conecuh counties, shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than fifty nor more than two hundred dollars, and may be sentenced by the court to hard labor for not more than thirty days.

Approved February 5, 1881.

No. 274.]

AN ACT

[H. B. 364.]

To authorize and empower the town of Oxford, Calhoun county, Alabama, to levy and collect license taxes upon all shows, concerts or exhibitions, occupations, avocations, or employment that may be carried on within its corporate limits.

May levy certain taxes.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the mayor and council in and for the town of Oxford, Calhoun county, be, and is, hereby authorized and empowered to levy and collect a license tax upon any show, concert and exhibition, or occupation, avocation, or employment that may be carried on, or engaged in, by any person, or firm, company, or corporation, within the corporate limits of said town; *Provided*, That no license thus granted shall exceed the sum of fifty dollars; and said town may, by its corporate authorities, pass any and all ordinances necessary to carry this act into effect.

Ordinances.

SEC. 2. *Be it further enacted*, That the mayor and council of the town of Oxford be, and they are, hereby authorized to pass such ordinances and affix such penalties as they think necessary to enforce obedience

to their various ordinances; *Provided*, Such fines thus imposed shall not be less than one cent nor more than fifty dollars, for any offense committed in violation of any ordinance of said town.

SEC. 3. *Be it further enacted*, That all laws or parts of laws in conflict with the above sections, one and two, be, and they are, hereby repealed.

Approved February 5, 1881.

No. 275.]

AN ACT

[s. 19.

- To establish a new charter for the town of Evergreen, in Conecuh county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the town of Evergreen, in the county of Conecuh, State of Alabama, shall be and continue incorporated, and the corporate limits of said town shall extend three-fourths of a mile east, and one-half a mile in every other direction from the court house in said town, and the present and future inhabitants of said town shall be and continue a body politic and corporate, under the name and style of "The Town of Evergreen," under, and by which name and style, the corporate authorities may sue and be sued, either in law or equity, and may purchase and hold property to the amount of twenty thousand dollars, and do all acts incident to bodies corporate. Corporate name.

SEC. 2. *Be it further enacted*, That the government of said town shall be styled "Mayor and Council of Evergreen," and shall consist of a mayor and five councilmen, who shall be citizens and householders of said town, and shall serve for the term of one year, and until their successors are elected and qualified; said officers to be elected by the qualified electors, who shall have resided in said town for three months next preceding the election, and before entering upon their official duties shall take an oath to support the constitution of the State, and the oath of office therein contained. Government.

SEC. 3. *Be it further enacted*, That the regular elections for said officers shall be held annually, on the

Election; powers and duties of officers.

first Monday in May, and shall be conducted by two or more qualified electors, appointed by the mayor for that purpose; and said mayor, so elected, shall *ex-officio* be a justice of the peace, and have all the jurisdiction of notaries public in and for the county of Conecuh, Alabama. The mayor and councilmen shall determine the legality of elections and declare who are the duly elected officers, and in case of a tie, shall determine who shall be mayor or councilmen; but the corporation shall not be dissolved should there be no election, as hereinbefore prescribed, in which case the mayor, with the consent of the councilmen, shall forthwith order an election to be held on some day, within thirty days thereafter.

Vacancies.

SEC. 4. *Be it further enacted*, That should a vacancy occur in the office of mayor, or councilman, such vacancy shall be filled by the remaining members of the board.

General powers.

SEC. 5. *Be it further enacted*, That the mayor and councilmen of said town shall have power: First. To employ a clerk, who, in addition to his general duties, shall assess the taxes; a marshal, who shall collect the taxes; also to employ counsel for advice, and for the prosecution of offenders, and for the defense of all suits against said town. Second. To determine the fees and salaries of officers. Third. To enact such laws and ordinances as may be necessary to maintain the powers herein granted. Fourth. To prevent and remove nuisances, at the cost of the person or persons causing them, or on whose premises they are found. Fifth. To license, tax, regulate, or restrain, any or all shows, or exhibitions, public concerts, or other amusements. Sixth. To prohibit all disorderly houses, houses of ill fame, racing, prize fighting, cock fighting, gaming, and gaming houses, within the limits of said town. Seventh. To prevent, and punish, breaches of the peace, and disorderly conduct; to define and punish vagrancy, and to punish all other misdemeanors known to the laws of the State. Eighth. To establish night and day police. Ninth. To prevent, and punish, all unlawful assemblies. Tenth. To prevent, and punish, violations of the Sabbath, any disturbance of, or interference with, public or private worship, to punish profane, abusive, insulting, or obscene language, or indecent

exposure of the person, or other improper exhibition. Eleventh. To prevent, and punish, wanton, willful, or malicious mischief to houses, fences, fruit, shade, or ornamental trees, animals, or other property within the corporate limits of the town. Twelfth. To keep in repair the public streets, sidewalks, alleys, avenues, bridges and wells of said town, to keep them free from obstruction, to widen and change their direction, to discontinue or close them, when expedient, and to open new ones. Thirteenth. To regulate weights and measures, to erect public scales houses, to appoint public weighers and measurers, define their duties and fix their compensation. Fourteenth. To tax the sale of malt and spirituous liquors, and to prohibit the sale of the same within the corporate limits of the town, by any person, without having procured a license from the mayor. Fifteenth. To license and tax billiard tables, bowling alleys and peddlers. Sixteenth. To prevent stock running at large in the streets. Seventeenth. To punish by fine, not exceeding one hundred dollars, and imprisonment or hard labor, or both, for not exceeding one hundred days, any breach or violation of the laws, ordinances, by-laws and regulations of said town, and to impose additional hard labor and imprisonment for non-payment of fines and costs, not inconsistent with the laws of the State; *Provided*, That in all cases wherein judgment shall have been rendered against any person he shall be entitled to an appeal to the circuit court for Conecuh county, under the rules and regulations prescribed by the laws of the State for cases tried in the county court; *And provided further*, That in all cases of appeal from the mayor's court to the circuit court, where the defendant is convicted, the fine assessed against him in said court shall be collected in money and paid over to the treasurer of the town. Eighteenth. To enact such laws and ordinances as may be necessary to regulate and govern hiring the convicts of the town, not inconsistent with the laws of the State. Nineteenth. To establish and regulate markets, and to rent out the stalls in the same, saving and reserving, however, an ample space therein for the use of country people who may attend the same with marketable supplies, and to prohibit the selling of fresh meats, poultry, fish, or game, except at the public markets. Twen-

General powers.

tieth. To take care of, remove, preserve, designate, and regulate all burying grounds within the town.

Taxes.

SEC. 6. *Be it further enacted*, That said corporation shall have power to levy on all property, real, personal, or mixed, within the corporate limits of the town, such taxes as may be necessary to defray the expenses of said corporation, not to exceed the rate prescribed by the constitution and laws of the State for municipal corporations, and to enforce the collection of the same, according to the provisions of this act.

Levying and
collecting tax-
es.

SEC. 7. *Be it further enacted*, That an assessment of all the property within the limits of the town, subject to taxation by the laws of the State, shall be made annually to the owner of said property, when known, otherwise to "owner unknown," and upon failure or refusal of any person to give in his or her property, when required to do so, the assessor shall, and must, proceed to assess the same from the best information he can obtain. The assessment, when completed, must be returned to the mayor and councilmen, who shall cause ten days notice to be given, by posting, or by publication in a newspaper published in the town, of the time and place when corrections will be made. When corrections shall have been made as above provided, the assessment must be marked "approved." The assessment so approved shall have the force and effect of a judgment and execution, and on failure on the part of the owner of any property to pay said taxes, the marshal or person collecting taxes may collect the same by levy upon and sale of such property, or any other property of any kind owned by such delinquent tax payer; *Provided*, That no property of any description shall be exempt from taxation by the town, except such property as is exempt from taxation by the laws of the State; *And provided further*, That all sales of property under the provisions of this act must be advertised by posting, or by publication in a newspaper published in the town, for fifteen days or more, which notice must contain a description of the property so levied upon, the name of the person to whom assessed, when known, and the amount of taxes for which it is to be sold; certificates of purchase must be given by the officer making sale of said property, similar in form to those given in the sale of property for the collection of

State and county taxes, and shall have the force and effect of transferring title thereto. The time and right of redemption of real property so sold shall be the same as provided for by the laws of the State; and at the expiration of the time for the redemption of property sold, the mayor must, upon presentation of the certificate of purchase, execute a deed to the purchaser of said property, in accordance with the laws of the State in relation thereto, and shall be entitled to the same fees therefor as provided in other cases. Redemption of property.

SEC. 8. *Be it further enacted*, That all persons residing within the corporate limits of said town, who are liable to road duty, shall be liable, and are hereby required, to work on the streets and roads in said town, not exceeding ten days in any one year; *Provided*, That all such persons shall be exempt from such duty by paying such a street tax as the corporate authorities may impose, not exceeding five dollars in any one year, and all persons exempt from road duty by the laws of the State are also exempt from road or street duty within the corporate limits of said town. Working on streets.

SEC. 9. *Be it further enacted*, That the mayor of said town of Evergreen, shall have jurisdiction of, and power to try, all violations of the laws, by-laws and ordinances of said town, and all other misdemeanors known to the laws of the State, committed within the corporate limits of said town, and shall have power to punish, by fine or imprisonment, all contempts of court or process. Jurisdiction of mayor.

SEC. 10. *Be it further enacted*, That the marshal shall have the same power to arrest offenders, execute process, and enforce the by-laws and ordinances of the town, as sheriffs have, and shall be vested with the same authority in the discharge of his duties as is conferred upon sheriffs by the laws of the State. He shall also have power to arrest offenders in any part of the county, upon warrant issued by the mayor. He shall at all times be authorized to arrest offenders for offenses committed in his presence, or for offenses which he has probable cause to believe were committed within the corporate limits of said town, and keep them in custody until trial, unless bail is given. Marshal.

SEC. 11. *Be it further enacted*, That in addition to the powers hereinbefore granted, the mayor and coun-

cil of said town shall have power to pass any laws and ordinances necessary for the peace, health and good government of the inhabitants of the town.

SEC. 12. *Be it further enacted*, That no prosecution, suit or claim, whatsoever, pending or to be brought under existing laws, shall in any manner be affected, impeded or altered by the passage of this act, and all the existing ordinances, by-laws and regulations of said town of Evergreen, adopted in pursuance of the original charter of said town, and not inconsistent with the provisions of this act, or the constitution or laws of the State of Alabama, shall be and remain in full force, as the by-laws and ordinances of said town, until repealed or modified by the mayor and council under this act.

SEC. 13. *Be it further enacted*, That all laws and parts of laws in conflict with this act shall be inoperative against the provisions hereof.

Approved February 5, 1881.

No. 276.]

AN ACT

[H. B. 317.]

To prohibit the sale, or giving away, of vinous, spirituous, or malt liquors, or intoxicating bitters, within two miles of the town of Fort Payne, DeKalb county.

Prohibition. SECTION 1. *Be it enacted by the General Assembly of Alabama*, That it shall be unlawful for any person or persons to sell, or give away, vinous, spirituous, or malt liquors, or intoxicating bitters, within two miles of the town of Fort Payne, in DeKalb county, after the 31st day of December, 1880.

Penalty. SEC. 2. *Be it further enacted*, That any one violating the provisions of the foregoing section shall be guilty of a misdemeanor, and, on conviction, must be fined not less than fifty nor more than five hundred dollars, and imprisoned for not longer than six months, at the discretion of the court trying the same.

License. SEC. 3. *Be it further enacted*, That it shall be unlawful for the probate judge of DeKalb county to issue license to any person or persons to sell vinous, spirituous, or malt liquors, or intoxicating bitters, within

two miles of the town of Fort Payne, DeKalb county ; *Provided*, That nothing in this act shall interfere with the rights of any person or persons who have already taken out license for the year 1881.

Approved February 5, 1881.

No. 277.]

AN ACT

[H. B. 471.]

To prohibit the sale, giving away, or otherwise disposing of, any spirituous, vinous, or malt liquors in beats 10 and 11, in Chambers county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That it shall be unlawful for any person or Prohibition. persons to sell, give away, or otherwise dispose of, any spirituous, vinous, or malt liquors in beats 10 and 11, in the county of Chambers.

SEC. 2. *Be it further enacted*, That any person or persons violating the provisions of this act shall be Penalty. guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than one hundred nor more than five hundred dollars, and may be imprisoned in the county jail or sentenced to hard labor for the county for not more than three months ; *Provided*, That where persons have taken out license for the present year, the same shall be refunded *pro rata* by the proper officer having the same in charge.

Approved February 5, 1881.

No. 278.]

AN ACT

[H. B. 168.]

To prohibit the sale of spirituous, vinous, or malt liquors, in any quantity, within three and one-half miles of the town of Meridianville, in Madison county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That any person who shall sell any spirituous, vinous, or malt liquors, in any quantity, within three and

one-half miles of the village of Meridianville, in Madison county, shall be guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not less than twenty-five nor exceeding one hundred dollars, for each and every offense; *Provided*, That the provisions of this act shall not apply to any person or persons, who hold a retail or wholesale liquor license for the year 1881.

Approved February 5, 1881.

No. 279.]

AN ACT

[H. B. 184.

To prohibit the sale, giving away, or otherwise disposing of, spirituous, vinous or malt liquors, within five miles of the Methodist church at Monterey, Butler county, Alabama.

Prohibition. SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act it shall be unlawful for any person to sell, give away, or otherwise dispose of, spirituous, vinous, or malt liquors, within five miles of the Methodist church at Monterey, Butler county, Alabama.

Penalty. SEC. 2. *Be it further enacted*, That any person who violates the provisions of this act shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than fifty nor more than five hundred dollars, and may be imprisoned in the county jail or sentenced to hard labor for the county for not more than three months; *Provided*, That where persons have taken out license for the present year, the same shall be refunded *pro rata* by the proper officers having the same in hand.

Approved February 5, 1881.

No. 280.]

AN ACT

[H. B. 395.]

To prevent the sale, giving away, or otherwise disposing of, spirituous, vinous or malt liquors, or any intoxicating bitters, within six miles of the school house (known as the academy building), near the village of Brooklyn, in Conecuh county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act ^{Prohibition.} it shall be unlawful for any person or persons, except on the prescription of a practicing physician, to sell, give away, or otherwise dispose of, any spirituous, vinous, or malt liquors, or any intoxicating bitters, within six miles of the school house (known as the academy building), near the village of Brooklyn, in Conecuh county, in this State; *Provided*, That this section shall not be so construed as to prohibit the use of wine for sacramental purposes, nor to abridge the right and privilege of any person to use or give away any of the above-described liquors at his or her private residence.

SEC. 2. *Be it further enacted*, That any person or persons who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in a sum not less than fifty nor more than five hundred dollars, and that said party or parties shall stand committed until all fines and costs are paid or secured; *Provided*, That where persons have taken out license for the present year the same shall be refunded *pro rata* by the proper officer having the same in hand. ^{Penalty.}

Approved February 5, 1881.

No 281.]

AN ACT

[H. B. 183.]

To prevent the sale, giving away, or otherwise disposing of, alcoholic, vinous or malt liquors, within four miles of the churches in Georgiana, Butler county, Alabama.

SECTION 1. *Be it enacted by the General Assembly of*

Alabama, That from and after the passage of this act it shall not be lawful for any person or persons to sell, give away, or otherwise dispose of, any alcoholic, vinous, or malt liquors, in any quantity, within a distance of four miles of the churches of Georgiana, Butler county, Alabama.

SEC. 2. *Be it further enacted*, That any person or persons who shall violate the provisions of this act shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than fifty nor more than five hundred dollars, and that said party or parties shall stand committed until all fines and costs are paid or secured; *Provided*, That where persons have taken out license for the present year the money shall be refunded *pro rata* by the proper officer having the same in charge; *Provided further*, That nothing in this act shall prevent the sale of wine in quantities not less than one quart, made in this State from grapes raised therein, to which no spirituous liquor was added in the making thereof.

Approved February 8, 1881.

No. 282.]

AN ACT

[H. B. 312.]

To amend section one of an act entitled "An act to prohibit the sale, giving away, or otherwise disposing of, spirituous, vinous, or malt liquors, within two miles of Milltown Academy, in Milltown, Chambers county, Alabama."

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section one of an act entitled "An act to prohibit the sale, or giving away, or otherwise disposing of, spirituous, vinous, or malt liquors, within two miles of Milltown academy, in Milltown, Chambers county, Alabama," approved February 7, 1879, be amended so as to read as follows: Section 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act it shall be unlawful for any person or persons to sell, give away, or otherwise dispose of, any spirituous, vinous, or malt liquors, within five miles of Milltown academy, in Mill-

town, Chambers county, Alabama; *Provided*, That where persons have taken out license for the present year the same shall be refunded *pro rata* by the proper officer having the same in charge.

Approved February 8, 1881.

No. 283.]

AN ACT

[H. B. 149.]

To prohibit the sale of spirituous or malt liquors in beat four (4), in Tallapoosa county, Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the sale or giving away of spirituous and malt liquors shall be prohibited in beat four (4), Tallapoosa county, Alabama, from and after the passage of this act; and all laws and parts of laws conflicting with the provisions of this act be, and the same are, hereby repealed.

SEC. 2. *Be it further enacted*, That any person violating the provisions of this act shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than fifty dollars nor more than two hundred dollars, and may also be sentenced to hard labor for the county for not exceeding six months, one or both, at the discretion of the jury trying the same; *Provided*, Persons who have taken out license shall be refunded the license money for the unexpired time by the proper officer having the same in hand; *Provided further*, That nothing in this act shall prevent the sale of wine, in quantities not less than one quart, made in this State from grapes raised therein, to which no spirituous liquor was added in the making thereof.

Approved February 8, 1881.

No. 284.]

AN ACT

[H. B. 257.]

To prohibit the sale, giving away, or otherwise disposing of, alcoholic, vinous, or malt liquors, within three miles of the Baptist church of Garland, Butler county, Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act it shall not be lawful for any person or persons to sell, give away, or otherwise dispose of, alcoholic, vinous, or malt liquors, in any quantity, within three miles of the Baptist church of Garland, Butler county, Alabama.

SEC. 2. *Be it further enacted*, That any person who shall violate the provisions of this act shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than fifty nor more than five hundred dollars, and that said party, or parties, shall stand committed until all fines and costs are paid or secured; *Provided*, That nothing in this act shall prevent the sale of wine in quantities not less than one quart, made in the State from grapes raised therein, to which no spirituous liquor was added in the making thereof; *Provided further*, That where persons have taken out license for the present year, the money shall be refunded *pro rata* by the proper officers having the same in hand.

Approved February 8, 1881.

No. 285.]

AN ACT

[H. B. 299.]

To prohibit the sale, or giving away, or otherwise disposing of, spirituous, vinous, or malt liquors, within five miles of New Hope church, in Dunn's beat, No. 1, in Tuskaloosa county, Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act it shall be unlawful for any person or persons to sell, give away, or otherwise dispose of, any spirituous, vinous or malt liquors, within five miles of New Hope church, in Dunn's beat, No. 1, in Tuskaloosa county, Alabama.

SEC. 2. *Be it further enacted*, That any person or persons violating the provisions of this act shall, on conviction, be fined not exceeding two hundred dollars, and may also be imprisoned in the county jail or put to hard labor for the county not exceeding three months, at the discretion of the court or the jury trying the same; *Provided*, That nothing in this act shall interfere with the rights of any person, or persons, who have already taken out licenses for the year 1881; *Provided further*, That nothing in this act shall prevent the sale of wine, in quantities not less than one quart, made in this State from grapes raised therein, to which no spirituous liquor was added in the making thereof.

Approved February 8, 1881.

No. 286.]

AN ACT

[H. B. 166.]

To prohibit the sale of spirituous or vinous liquors within five miles of Union church, in Macon county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act it shall be unlawful for any person or persons to sell spirituous or vinous liquors, in any quantity, within five miles of Union church, a white Methodist Episcopal church, in Macon county.

SEC. 2. *Be it further enacted*, That any person or persons who shall violate the provisions of this act shall be guilty of a misdemeanor, and, on conviction of such offense, shall be fined not more than one hundred dollars, and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than three months; *Provided*, Persons who have taken out licenses shall be refunded the license money for the unexpired time, by the proper officer having the same in hand; *Provided*, That nothing in this act shall prevent the sale of wine, in quantities not less than one quart, made in this State from grapes raised therein, to which no spirituous liquor was added in the making thereof.

Approved February 8, 1881.

No. 287.]

AN ACT

[H. B. 289.]

To prevent the sale, giving away, or otherwise disposing of, alcoholic, vinous or malt liquors, within two miles of Olive Branch (Baptist) church, in Conecuh county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act it shall not be lawful for any person or persons to sell, give away, or otherwise dispose of, alcoholic, vinous, or malt liquors, in any quantity, within a distance of two miles of Olive Branch (Baptist) church, in Conecuh county.

SEC. 2. *Be it further enacted*, That any person or persons who shall violate the provisions of this act shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in a sum not less than fifty nor more than five hundred dollars, and that said party or parties shall stand committed until all fines and costs are paid or secured; *Provided*, That this act shall not go into effect until January 1, 1882.

Approved February 8, 1881.

No. 288.]

AN ACT

[H. B. 480.]

To prohibit the sale, giving away, or otherwise disposing of, any spirituous, vinous, or malt liquors, or any intoxicating bitters, in beat No. 2, known as Russellville beat, in Franklin county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act it shall be unlawful for any person or persons to sell, give away, or otherwise dispose of, any spirituous, vinous, or malt liquors, or any intoxicating bitters, within the boundary of beat No. 2, known as Russellville beat, county of Franklin, State of Alabama; *Provided*, That this act shall not be so construed as to prevent the use of the above named liquors in the private residences of individuals, or the use of wine for sacramental purposes, or the use or sale of the above named spirituous.

vinous, or malt liquors, when prescribed by a regular physician in the regular practice of medicine.

SEC. 2. *Be it further enacted*, That any person or persons violating the provisions of this act shall, upon conviction thereof, be fined not less than one hundred nor more than five hundred dollars, and may be imprisoned in the county jail or sentenced to hard labor for the county not less than thirty days nor more than six months, at the discretion of the jury trying the case; *Provided*, That nothing in this act shall interfere with any person or persons who have already taken out licenses for the year 1881.

Approved February 8, 1881.

No. 289.]

AN ACT

[H. B. 310.]

To prohibit the sale, giving away, or otherwise disposing of, any spirituous, vinous, or malt liquors, or intoxicating bitters, or intoxicating beverages, within three miles, in every direction, of Farriorville, in Bullock county, Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act it shall be unlawful for any person or persons to sell, give away, or otherwise dispose of, any spirituous, vinous, or malt liquors, or intoxicating bitters, or any intoxicating beverage, within three miles of Farriorville, in Bullock county.

SEC. 2. *Be it further enacted*, That any person or persons violating the provisions of this act shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than fifty nor more than two hundred dollars, and may also be imprisoned in the county jail or sentenced to hard labor for the county not more than three months, at the discretion of the jury trying the same; *Provided*, That this act shall not be so construed as to prevent physicians from prescribing for medicinal purposes, and citizens from using intoxicating liquors at their private residences; *And provided further*, That this act shall not be so construed as to interfere with the sale of intoxicating

liquors by any person or persons having a license for such sale, within the prescribed limits, during the term of such license; *Provided further*, That nothing in this act shall interfere with the rights of any person or persons who have already taken out licenses for the year 1881.

Approved February 9, 1881.

No. 290.]

AN ACT

[H. B. 294,

To prohibit the sale, or giving away, or otherwise disposing of, spirituous, vinous, or malt liquors, or any intoxicating bitters, within three miles of the churches and academy at Brundidge, Pike county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act it shall be unlawful for any person or persons to sell, give away, or otherwise dispose of, any spirituous, vinous, or malt liquors, or any intoxicating bitters, within three miles of the churches and academy at Brundidge, Pike county, Alabama.

SEC. 2. *Be it further enacted*, That any person or persons violating the provisions of this act shall, on conviction, be fined not exceeding two hundred dollars, and may also be imprisoned in the county jail or put to hard labor for the county not exceeding three months, at the discretion of the jury trying the same; *Provided*, That nothing in this act shall interfere with the rights of any person or persons who have already taken out licenses for the year 1881; *Provided further*, That nothing in this act shall prevent the sale of wine, in any quantities not less than one quart, made in this State from grapes raised therein, to which no spirituous liquor was added in the making thereof.

Approved February 9, 1881.

No. 291.]

AN ACT

[H. B. 202.]

To prevent the sale, or giving away, of vinous or malt liquors in five miles of Philadelphia church, Monroe county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That it shall be unlawful for any person or persons, within five miles of Philadelphia church, Monroe county, to sell, give away, or otherwise dispose of, spirituous, vinous, or malt liquors.

SEC. 2. *Be it further enacted*, That every person who violates section one of this act shall be guilty of a misdemeanor, and, on conviction, shall be fined in a sum of not less than twenty nor more than one hundred dollars; *Provided*, That if any persons have already taken out licenses, the license money shall be refunded them for the unexpired term, by the proper State or county officer; *Provided further*, That nothing in this act shall prevent the sale of wine, in quantities not less than one quart, made in this State from grapes raised therein, to which no spirituous liquor was added in the making thereof.

Approved February 9, 1881.

No. 292.]

AN ACT

[H. B. 165.]

To establish a Normal School for colored teachers at Tuskegee.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, There shall be established, at Tuskegee, in this State, a normal school for the education of colored teachers. Pupils shall be admitted free of charge for tuition in the school, on giving an obligation in writing to teach in the free public schools in this State for two years after they become qualified. The school shall not be begun or continued with a less number than twenty-five pupils, nor shall the school be taught for a less period than nine months in each year.

Colored normal school at Tuskegee.

SEC. 2. *Be it further enacted*, There is appropriated out of the general school revenue, set apart to the

\$2,000 annual
appropriation
from general
school fund.

colored children, the sum of two thousand dollars, annually, for the maintenance and support of the school; and the apportionment of the general fund for the colored race shall be made to the different counties of this State, after the deduction of the sum of two thousand dollars herein appropriated for the school at Tuskegee.

Management,
&c.

Sec. 3. *Be it further enacted*, The school shall be under the direction, control and supervision of a board of three commissioners, who shall consist of the following persons, to-wit: Thos. B. Dryer, M. B. Swanson, and Lewis Adams, who may fill any vacancy that may occur in the board of commissioners. The commissioners shall elect one of their number chairman, and they shall report quarterly to the Superintendent of Education, how many pupils have been in attendance, what branches have been taught, and other facts of interest and importance appertaining to the school.

Chairman of
board to give
bond.

Sec. 4. *Be it further enacted*, The chairman of the board of commissioners shall give bond in double the amount of the appropriation of the school, for the legal and faithful application of the sum appropriated, the bond to be approved by the judge of probate of Macon county, and a certified copy thereof sent to the Superintendent of Education to be filed in his office.

Money: how
paid.

Sec. 5. *Be it further enacted*, The chairman of the board of commissioners, after having given bond as hereinbefore provided, and the bond shall have been approved as herein provided, and a certified copy thereof filed in the office of Superintendent of Education, shall present to the Superintendent of Education a requisition for the amount herein appropriated; and the Superintendent of Education shall thereupon certify the amount of two thousand dollars to the State Auditor, who shall draw his warrant for the sum on the State Treasurer, payable to the chairman of the board of commissioners, for the maintenance and support of the normal school.

Approved February 10, 1881.

No. 293.]

AN ACT

[s. 166.]

To prohibit the sale, giving away, or otherwise disposing of, any spirituous, vinous, or malt liquors, or intoxicating bitters, or any intoxicating beverage, within three miles of the Pratt Mines school house, in Jefferson county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act it shall be unlawful for any person or persons to sell, give away, or otherwise dispose of, any spirituous, vinous, or malt liquors, or intoxicating bitters, or any intoxicating beverage, within three miles of the Pratt Mines school house, in Jefferson county.

SEC. 2. *Be it further enacted*, That any person or persons violating the provisions of this act shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than fifty nor more than five hundred dollars, and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than three months; *Provided*, That nothing in this act shall interfere with the rights of any person or persons who have already taken out licenses for the year 1881.

Approved February 11, 1881.

No. 294.]

AN ACT

[H. B. 112.]

To legalize the marriage heretofore solemnized between Alfred McKinnie and Susanna Barnett, of Blount county, in this State.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the marriage heretofore solemnized between Alfred McKinnie and Susanna Barnett, of Blount county, in this State, be, and the same is, hereby legalized, and the said marriage made valid.

Approved February 12, 1881.

No. 295.]

AN ACT

[s. 179.]

To prevent the sale, giving away, or otherwise disposing of, spirituous, vinous, or malt liquors, or intoxicating bitters, at or within five miles of Pleasant Hill church, in Bibb county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act it shall be unlawful for any person to sell, give away, or otherwise dispose of, any spirituous, vinous, or malt liquors, or intoxicating bitters, at or within five miles of Pleasant Hill church, in Bibb county.

SEC. 2. *Be it further enacted*, That any person violating the provisions of this act shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than twenty-five nor more than three hundred dollars; and for the second offense may also be imprisoned in the county jail or sentenced to hard labor for the county for not exceeding ninety days.

Approved February 12, 1881.

No. 296.]

AN ACT

[s. 171.]

To prohibit the sale, giving away, or otherwise disposing of, spirituous, vinous, malt, or other intoxicating liquors, within three (3) miles of the academy in Loachapoka, Lee county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act it shall be unlawful for any person to sell, give away, or otherwise dispose of, any spirituous, vinous, malt or other intoxicating liquors or beverages, within three (3) miles of the academy in Loachapoka, Lee county.

SEC. 2. *Be it further enacted*, That any person violating the provisions of this act shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than one hundred nor more than five hundred dollars, and may also be sentenced to hard labor for the county for not more than six months; *Provided*, That if any license has been taken out for the year 1881, the

amount paid for the same shall be returned *pro rata* by the officer having the same in charge.

Approved February 12, 1881.

No. 297.]

AN ACT

[S. 1654.]

To prevent the sale, giving away, or otherwise disposing of, spirituous, vinous, or malt liquors, or intoxicating bitters, at or within five miles of Bethel church, in Bibb county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act it shall be unlawful for any person or persons to sell, give away, or otherwise dispose of, any spirituous, vinous, or malt liquors, or intoxicating bitters, at or within a distance of five miles of Bethel church, in Bibb county.

SEC. 2. *Be it further enacted*, That any person or persons who shall violate the provisions of this act shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than forty nor more than three hundred dollars, and for the second offense, besides the fine imposed for the first offense, may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than three months.

Approved February 12, 1881.

No. 298.]

AN ACT

[H. B. 318.]

To prohibit the sale of malt, vinous, or spirituous liquors, or other intoxicating drinks, within two miles of the Missionary Baptist church, at Sandtuck, in the county of Elmore.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act it shall be unlawful for any person or persons to sell, vend, exchange, barter away, or in any manner dispose of, any malt, vinous, or spirituous liquors, or other intox-

icating drinks of any kind whatever, within two miles of the Missionary Baptist church, at Sandtuck, in the county of Elmore; and it shall not be lawful to issue a license authorizing any person or persons to sell, vend, exchange, barter away, or otherwise dispose of, any malt, vinous and spirituous liquors, or other intoxicating drinks, within the limits aforesaid.

SEC. 2. *Be it further enacted*, That the provisions of this act shall not apply to any person who now has a license to retail liquors within said limits, until after the expiration of the time for which such person has obtained the license; *And provided*, That nothing herein contained shall be so construed as to prevent physicians from administering stimulants to their patients when necessary.

SEC. 3. *Be it further enacted*, That if any person shall violate, or in any manner whatever evade, or attempt to evade, or aid in evading any of the provisions of this act, he or they shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than one hundred dollars, and may be imprisoned in the county jail not less than thirty days, at the discretion of the judge trying the same.

SEC. 4. *Be it further enacted*, That this act shall be deemed and held a public act, and shall be given in charge to the grand juries at each and every term of the circuit court of the said county; *Provided*, That nothing in this act shall prevent the sale of wine, in quantities not less than one quart, made in this State from grapes raised therein, to which no spirituous liquor was added in the making thereof.

Approved February 14, 1881.

No 299.]

AN ACT

[s. 156.

To amend "An act to more effectually provide for the payment of grand and petit jurors in the county of Washington," approved February 19, 1875.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section one of "An act to more effectually provide for the payment of grand and petit jurors

of the county of Washington," approved February 19, 1875, be amended so as to read as follows: That the court of county commissioners of Washington county be, and they are, hereby required to ascertain what amount of money is necessary to pay the grand and petit jurors of said county each year, and upon the ascertainment of such fact to levy a special tax upon the taxable property of said county, for the purpose of paying for the services of the grand and petit jurors in said county; *Provided, however,* That if there shall remain a surplus arising from said tax of the previous years, sufficient to pay for such services for one or more years, the said surplus shall be so applied, and said court shall not levy any further special tax so long as there exists a surplus available for that purpose.

Approved February 15, 1881.

No. 300.]

AN ACT

[§. 291.

To repeal "An act to increase the criminal jurisdiction of justices of the peace, and notaries public having like powers, in the counties of Lee, Madison, Jackson, Clarke, Choctaw, Walker and Marion," approved February 8, 1877, so far as the same relates to the county of Lee.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That an act entitled "An act to increase the criminal jurisdiction of justices of the peace, and notaries public having like powers, in the counties of Lee, Madison, Jackson, Clarke, Choctaw, Walker and Marion," approved February 8, 1877, be, and the same is, hereby repealed, so far as the same relates to the county of Lee.

Approved February 16, 1881.

No. 301.]

AN ACT

[H. B. 217.]

Prohibiting the sale, or otherwise disposing of, spirituous or intoxicating liquors, in Allenton beat, Wilcox county, Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act it shall be unlawful to sell, give, or otherwise dispose of, any spirituous, vinous, malt or intoxicating liquors, in Allenton beat, Wilcox county, Alabama.

SEC. 2. *Be it further enacted*, That any person violating the provisions of this act shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than fifty nor more than five hundred dollars, and may be imprisoned in the county jail or sentenced to hard labor for the county for not exceeding six months, at the discretion of the court trying the same; *Provided*, That nothing in this act shall prevent any person from selling wine, in quantities not less than one quart, made in this State from grapes raised therein, to which no spirituous liquor has been added in the making thereof; *Provided further*, That this act shall not affect any license issued for the year 1881 to sell alcoholic liquors within the limits designated in said act.

Approved February 17, 1881.

No. 302.]

AN ACT

[S. 228.]

To amend sections two, five, eight, ten, thirteen, fourteen, nineteen, twenty-one, twenty-four, twenty-eight, and thirty-three of "An act to adopt and carry into effect the plan for the adjustment and settlement of the existing indebtedness of the late corporation known as the Mayor, Aldermen and Common Council of the city of Mobile, which is recommended in the report of the Commissioners of Mobile, made and laid before the General Assembly of Alabama on the 26th day of November, 1880, as provided in section sixteen (16) of an act of the General Assembly of Alabama, entitled 'An act to vacate and

annul the charter, and dissolve the corporation of the city of Mobile, and to provide for the application of the assets thereof in discharge of the debts of said corporation,' approved February 11, 1879," approved December 8, 1880.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That sections two, five, eight, ten, thirteen, fourteen, nineteen, twenty-one, twenty-four, twenty-eight and thirty-three, of "An act to adopt and carry into effect the plan for the adjustment and settlement of the existing indebtedness of the late corporation, known as the "Mayor, Aldermen, and Common Council of the city of Mobile," which is recommended in the report of the "Commissioners of Mobile," made and laid before the General Assembly of Alabama on the 26th day of November, 1880, as provided in section sixteen (16) of an act of the General Assembly of Alabama, entitled "An act to vacate and annul the charter, and dissolve the corporation of the city of Mobile, and to provide for the application of the assets thereof in discharge of the debts of said corporation," approved February 11, 1879, approved December 8, 1880," be so amended as to read as follows: Section 2. *Be it further enacted*, That the persons now acting as the "Commissioners of Mobile," and receivers of the court of chancery of Mobile, under the provisions of this act, which is referred to in the title to this act, and such as may be hereafter appointed in their places, shall continue and be such commissioners and receivers, vested with the powers and charged with the duties granted and imposed by said act, and also with such other powers and duties as may be granted and imposed by this act, until the 15th day of February, 1883, unless such duties be performed and completed before that time. In that event such powers shall cease at once; but said commissioners and receivers shall not, by the expiration of their term, be relieved from the report and accountability required of them by this act. Each commissioner shall receive a salary not to exceed fourteen hundred dollars for the year beginning February 15, 1881, and for the next succeeding year, not to exceed the sum of six hundred dollars, to be paid quarterly. The clerk of the commissioners shall receive a salary not to exceed nine hundred dollars for

Commissioners
and receivers
in court of
chancery con-
tinued in office
to February
15th, 1883

Salaries.

Court costs.

Superintendent
of wharves and
salary.Powers of the
commissioners
in reference to
use and disposal
of bonds,
&c.

the first, nor seven hundred dollars for the second of said years, to be paid monthly. The legal expenses of said commission, not including court costs, for each of said years, shall not exceed the salary of one commissioner for each of said years. The appointment of superintendent of wharves, as hereinafter provided for, shall be made as early as practicable in each year, and his compensation, not including that of his assistants, shall be fixed by the chancellor at the time of his appointment, not to exceed one hundred and twenty-five dollars per month. The bank, or depository, hereinafter provided for, shall receive no compensation for services rendered under this act. All money collected under the provisions of this act, and required to be paid into such bank, or depository, shall be so paid, ~~therein~~ on day as the same is collected. The boards of revenue and road commissioners, while in the discharge of the duties imposed upon them by this act, shall be entitled to a clerk, who shall receive the same compensation allowed to the respective members of said board. Section 5. *Be it further enacted*, That said commissioners may use, exchange and dispose of the bonds authorized by this act, with their attached coupons, in settlement of the debts of said mayor, aldermen and common council of the city of Mobile; nor shall any of them be used for any other purpose. They shall first set apart an amount of said bonds equal to the aggregate amount of outstanding bonds issued by the mayor, aldermen and common council of the city of Mobile, bearing date of May 1, 1875, and payable May 1, 1905, added to the amount of outstanding past due coupons, belonging to said bonds, with the further addition of five dollars for each of said bonds, to cover the interest on the same for the months of November and December, 1880. The bonds and coupons thus set apart shall be exchanged, as occasion may offer, exclusively for the aforesaid bonds of May 1, 1875, with interest as aforesaid, and for the past due coupons of said last named bonds; and they must be exchanged so that each of the holders of said bonds of May 1, 1875, shall receive an amount of the bonds so set apart equal to the amount of said bonds held by him and presented for exchange, with the addition of five dollars to each bond for interest, as aforesaid; and so that the holders of the past due coupons

of the aforesaid bonds of May 1, 1875, shall receive one of the bonds so set apart for every five hundred dollars in amount of such past due coupons presented for exchange, and at that rate. If said coupons or sums for said November and December interest are offered for exchange in sums of less than five hundred dollars, the holder or owner shall receive certificates of exchange for such amounts, as hereinafter provided. Bonds authorized by this act, and numbered from 3461 to 4000, both inclusive, must be exchanged in the manner above provided for the bonds issued by said mayor, aldermen and common council of the city of Mobile, which reserve the lien mentioned in section four of this act. The debts of said mayor, aldermen and common council, which were not funded under the act of the General Assembly of Alabama which provided for funding the debts of said city of Mobile, and which was approved March the 9th, 1875, must be adjusted, so far as practicable, upon the same basis of adjustment as that on which said bonds of May the 1st, 1875, were issued, so that the adjustment and settlement, under this act, of all debts not funded as aforesaid, shall, as nearly as practicable, be put in the same position as if they had been funded under said act of March the 9th, 1875, on the first day of January, 1876. Whenever any of said debts shall be so adjusted, said commissioners shall issue to the holders or owners of such adjusted debts, and in settlement thereof, bonds authorized by this act and not set apart as aforesaid, equal to the amount of the debt as adjusted, upon the delivery to the commissioners of the evidences of the debt so settled; or if the debt is not evidenced by written instrument, upon the execution of such receipts as are prescribed in section six of this act: *Provided*, That when any of the bonds, coupons, or other evidences of debts offered for exchange, are offered in any sum less than five hundred dollars, said commissioners shall issue to the holder a certificate for such fraction, which shall be executed as above provided for the execution of bonds. These certificates shall not bear interest, but whenever any number of them amounting to five hundred dollars, or any multiple of that sum, shall be presented for funding or exchange as aforesaid, said commissioners shall issue to the holder of such certificates

one of said bonds, with its coupons, for each and every five hundred dollars in amount of said certificate, presented for exchange. Said commissioners shall provide for the exchange and delivery in the city of New York of the bonds and coupons authorized by this act, until the first day of January, 1882. After that date such exchange and delivery shall be made at Mobile, in this State. If any indebtedness of said mayor, aldermen and common council should remain unfunded under this act on the fifteenth day of February, 1883, said commissioners shall deposit in said bank, or depository, a number of the unissued bonds sufficient to fund such debts, subject to the order of the said chancery court, in term time, or of its chancellor, in vacation; and they shall report to said court or chancellor the numbers of the bonds so deposited, and, as far as practicable, the debts for which the bonds are deposited, with an estimated apportionment of the same to said debts respectively. Any creditor may obtain his just proportion of said bonds upon application therefor to said chancery court, in term time, or to its chancellor, in vacation, and upon the orders of said court, in term time, or of said chancellor, in vacation; but he must take his bonds with only such coupons as may mature after the date of the filing of his application, unless the General Assembly of Alabama, at its next session, should extend the time for funding such back interest. All coupons on said deposited bonds which may mature while the bonds remain so deposited, shall be cancelled, reported and filed by the bank, or depository, hereinafter mentioned, and destroyed as is provided respecting paid coupons and bonds, and those taken up by exchange or substitution; and the money collected to provide for such coupons shall enure to the benefit of the sinking fund for the purchase of bonds hereinafter provided in the fourth provision of section nine. If all the bonds authorized to be issued by this act shall not be required to fund all the debts of said mayor, aldermen and common council, those not so required shall be reported to the aforesaid court, in the final report which said commissioners may make in said cause, with a specification of the numbers of said bonds, and such bonds with their coupons shall be filed in said cause with said report. The aforesaid chancellor shall

promptly make an order for the destruction of said bonds and coupons, and cause them to be consumed by fire, in the presence of the register of said court and of such persons as he may appoint to witness such destruction, of which due report shall be made to said court, in term time, or to its chancellor, in vacation, and said report shall be filed in said cause. Section 8. *Be it further enacted*, That in execution of the trust assumed by the State in said act of February 11th, 1879, to provide legislation to carry into effect the adjustment and settlement referred to in the title to this act, a tax of three-fourths of one per centum for each year, until the bonds and coupons issued under this act are fully paid, is levied as authorized by the constitution, and shall be collected on the value of all the real estate and personal property, and all subjects of State taxation within the limits of said city of Mobile, as the same are defined in the charter of said city, which was vacated and annulled by the aforesaid act of February the 11th, 1879, except the subjects enumerated in paragraph first of section three hundred and sixty-five (365) of the Code of Alabama, and except the tax levied on polls, according to the value of such property and subjects of taxation, as the same may have been assessed for State taxation during the year preceding that for which said tax is levied and is to be collected. Section 10. *Be it further enacted*, That every year, as soon as the books of the tax assessor of Mobile county shall have been completed, and after the same shall have been examined and corrected as prescribed by law, so as to include all property that may be assessed for State taxation during that year, the tax assessor for said county of Mobile shall cause duplicate copies to be made in well bound books, suitably prepared for that purpose, of so much of his said assessment book for the current year as includes the assessed property situated within the aforesaid limits of said city of Mobile. He shall complete and deliver said copies to said board of revenue and road commissioners, or other authority charged with the supervision and correction of tax assessments in said county, before the 31st day of December of each year. He shall be paid therefor by the tax collector provided for in this act, upon an order from the chairman of the board of revenue and road

Tax levy of
three-quarters
of one percent.

Tax assessor's
duties.

commissioners, or other authority charged with the supervision and correction of said assessments, such an amount as may be allowed by said board, or said other authority, for such duplicate copies; but not to exceed three hundred and fifty dollars, any one year, for both said copies together, including the books in which such copies may be made. Should the tax assessor's office for said county at any time be abolished, the said chancellor shall appoint a person to make and deliver such duplicates. If, however, this act is not enacted in time to have said duplicates completed for the assessment year ending December 31st, 1880, of which said board shall be the judge, then the duplicates for that year shall be made and delivered as soon as practicable, but within sixty days next after such enactment. Said board, or other authority, receiving said duplicate books shall keep the same open for public inspection during the time allowed in the next section for the filing of objections thereto, as provided in said section; *Provided*, That in the year 1881 said board, within ten days, or as soon as practicable after the time of filing such objections shall have elapsed, shall publish for five consecutive days the same notice as is provided in said next section, and shall receive and hear such objections until the 15th day of March of that year; and the corrections made by said board shall be certified to the tax collector, and the chancery court, and said corrections shall be entered upon said books. Sec. 13. *Be it further enacted*, That the aforesaid taxes shall be collected by a tax collector, who shall be elected and appointed by the president of the Mobile police board of the port of Mobile, or other chief executive officer of any governmental agency that may be constituted by law for, or within, the aforesaid limits of said city of Mobile, by the agent or trustee of the bondholders, hereafter provided for in this act, and by the chairman of said board of revenue and road commissioners, or of such other authority as may be charged with similar duties concerning taxes. Those electing shall give the person elected a certificate of his election, and report such election to said chancery court. This report shall be filed in the aforesaid cause. Such election shall be held within the first ten days of January of each year. Said collector shall

Tax collector,
and his powers
and duties.

hold his appointment and office for one year from the date of such certificate, and until his successor shall be duly qualified: *Provided, however,* That he may at any time be removed, by a majority of those vested with the power to appoint said officer, for inefficiency or for other cause deemed sufficient by said majority. He may also be removed by the aforesaid chancellor, upon a petition for that purpose, filed by said agent or trustee of said bondholders, after ten days notice of such petition given to said tax collector, and the showing of a proper cause for such removal. In either case the power removing such tax collector shall fill the vacancy occasioned thereby. This power of removal and appointment may be exercised as often as the occasion may require. Said electors shall also prescribe for such tax collector such bond and security as, from time to time, they may think proper. They shall also fix the amount of such tax collector's salary, fees or commissions according to the mode of compensation by which they may determine to remunerate his services, but said compensation shall not exceed fifteen hundred dollars per annum. Said tax collector's bond shall be approved by the parties appointing him, and the bond shall be filed in the aforesaid chancery court and cause. If at the time for the election of such tax collector, or at the time for exercising any of the powers authorized by this section, there shall be no such agent or trustee of the bondholders appointed, or in existence, the chairman of the commissioners of Mobile, so long as they remain in office, shall, in all matters of this section, be vested with the rights and powers conferred in this section on such agent or trustee, as shall act therein, when such trustee is authorized or required to act, as said trustee might do if he were in existence. Should there be no election within the time prescribed, said chancellor shall appoint such tax collector. Sec. 14 *Be it further enacted,* That the taxes levied under this act shall have the force and effect of a judgment at law against the person assessed therewith, and said taxes are made a preference lien over all encumbrances and securities whatsoever (except State and county taxes), to the same extent as the port of Mobile taxes, which are hereby declared to be equal as liens with the lien herein provided for, on all the property assessed, as

Term of office
and removable
under certain
circumstances.

Taxes levied
have force and
effect of judgment
at law.

well as on all other property owned by the tax payer on and after the first day of the year for which the tax is to be collected; and the same may be enforced and collected, not only in the manner herein provided, but also by the officers herein provided, in any manner and by any means that are, or may be, provided for the collection of State and county taxes; and all remedies made or given, or that may be provided for the collection of said taxes, are made applicable to the collection of the taxes herein provided. And the same authority and power is vested in the person charged with the collection of these taxes as is, or may be, vested by law in the officers charged with the collection of State and county taxes, just as if such tax collector were specially named in said laws, and there vested with such authority; and wherever by such laws the proceedings are required to be in the name of the State or county, they shall be in the name of such tax collector. Said taxes shall constitute a part of the taxes whose collection and payment are provided for in section 419 of the Code of Alabama, and they shall be ascertained and collected by the sheriff of Mobile county selling property under execution, as are the taxes mentioned in said section, and paid to the tax collector appointed under this act; or such taxes may be collected by any suit at law, and said lien may be enforced by proceedings in equity. Sec.

How sales for
delinquent tax-
es are made.

19. *Be it further enacted*, That after the expiration of ninety days from the first publication of the tax collector's notice aforesaid, the tax collector, or his deputy, may levy upon and seize any personal property, if any there be, and sell the same for such taxes and costs, and no personal property so sold shall be subject to redemption; and if there be no personal property, or if not sufficient personal property, then he, or such deputy, may levy upon and sell the real estate of such delinquent tax payers; *Provided*, That said tax collector, or his deputy, may make such seizure and sale at any time after the receipt of the aforesaid duplicate book, and before the expiration of the ninety days, if he has good reason to believe that the property assessed has been, or is about to be, removed, concealed, or fraudulently disposed of, upon filing an affidavit to that effect in said cause; but when real estate is levied on,

notice of the sale shall be given ten days before the day of sale, in some newspaper published in the county of Mobile, and a copy of such newspaper containing the notice shall be filed in the tax collector's office. The land may be described by such numbers and abbreviations as will indicate the property to be sold. The sale shall be at the court house of Mobile county, at the usual hours of sheriff's sales, and commence on the day indicated in the notice; the sales may be continued from day to day until completed. If from any cause such sale is invalid to pass to the purchaser the title to the property sold, such sale shall operate to transfer to the purchaser the lien on the property hereinbefore declared, for the payment of taxes for which it was sold, and he may enforce this lien by any means provided in this act, or by any other appropriate remedy at law or in equity. Said tax collector shall not receive any pay or commissions on the sale of real estate, where the money is not paid by the purchaser thereof at the time of the purchase, nor where the real estate may be bid off for the use of said bondholders, until such taxes may be actually paid, by redemption or otherwise, when he may retain the same out of the money so paid.

Sec. 21. *Be it further enacted*, That any real property sold under the provisions of this act may be redeemed within two years next after said sale, by the owner thereof at the time of the sale, or by any one interested therein, by paying to said tax collector the amount of the purchase money, all taxes and costs that may have been paid by the purchaser subsequent to his purchase, interest on the whole at the rate of twelve per centum per annum, and the costs of all certificates and conveyances necessary to perfect the redemption. Upon such payment said tax collector shall give the party redeeming a certificate of redemption, describing therein the land redeemed, and stating the amount of redemption money paid. Such certificate shall be *prima facie* evidence of the facts therein stated. The filing of this certificate of redemption in the office of the judge of probate of said county shall revert to the party redeeming with his former right, title, and estate, as if his land had not been sold for taxes and been conveyed to the purchaser at such sale; and upon a demand by the party redeeming, his agent or attorney, upon any per-

Right of re-
demption.

son in possession of such redeemed land for a surrender of such possession, accompanied with an exhibition of such certificate of redemption, and a refusal or failure by such party in possession to comply with the demand, the party so refusing or failing shall thenceforth be an unlawful detainer of such redeemed lands, and the party so having redeemed may recover possession of said redeemed lands by an action of unlawful detainer, or any other action provided for the recovery of the possession of land. Immediately upon redemption of any lands bought by any purchaser, other than the agent or trustee of said bondholders, the tax collector shall at once notify the purchaser of the land so redeemed, his agent or assignee, of such redemption, and that he is ready to pay him the redemption money; and upon demand he must give such purchaser, his agent or assignee, a check for the amount due him upon said bank of Mobile, or other depository authorized by this act; *Provided, however,* That said purchaser, his agent or assignee, shall first cancel and surrender his deed of purchase; and in case the same shall have been recorded, he must also file with said tax collector a certificate from said judge of probate, or his clerk, that said deed has been marked on the record, "cancelled by redemption." All deeds, certificates, and other papers connected with redemption shall be filed by said tax collector in his office, with such a reference thereto, on his redemption book, that they can be readily referred to. Any money received by said tax collector for the redemption of lands bid off by the agent or trustee of said bondholders, shall be paid into said bank, or depository, to the credit of his general account, to be applied to the payment of the coupons and bonds in the manner provided in this act, and such agent shall be notified by the tax collector of such redemption. Sec. 24. *Be it further enacted,* That if in any suit by the purchaser, or any one claiming under him, against the owner or party in possession, to recover possession of lands hereafter sold for taxes, final judgment shall be rendered that the plaintiff is not entitled to recover possession of the land on the ground of any invalidity in such sale, the court shall forthwith empanel a jury to ascertain the amount of taxes for which the land was liable at the time of the sale,

Suits by purchaser at tax sales.

and for which it was sold, and such taxes thereon, if any, as may have been lawfully paid by the plaintiff, subsequent to the sale, with interest from the time of the sale or subsequent payment, as the case may be, at the rate of twelve per centum per annum, if such judgment is rendered within the two years allowed for redemption, and at the rate of fifteen per centum per annum, if such judgment be rendered after the expiration of two years; and the court shall thereupon render judgment against the defendant, and in favor of the plaintiff, for the amount thus ascertained, and the costs of the suit, which judgment shall constitute a lien on the lands sued for, and may be enforced by execution, as in other cases at law. Sec. 28. *Be it*

further enacted, That the purchaser at a tax sale, or those claiming under him, in possession of lands, shall not be liable to account to the owner for rents, issues, or profits of the lands so held, until the owner pays or tenders the amount of taxes for which the land was liable at the time it was sold, and for the payment of which it was sold, and the amount of all the taxes claiming under him, subsequent to such sale, with interest at the rates specified in Section 24 of this act; *Provided*, That if the owner, at the time of the sale, is a minor, or a person of unsound mind, the defendant shall be liable for rents and profits, as in other actions to recover possession of land. Sec. 33. *Be it further*

enacted, That said commissioners shall, immediately after the passage of this act, deliver and turn over to the president of the Mobile police board, for the use of the port of Mobile, the possession and control of all the real and personal property now held by them, and which was formerly held and owned by the mayor, aldermen and common council of the city of Mobile, and used by said city for public use and governmental purposes, such as public buildings, markets, squares, parks, fire engines and engine houses, hose and hose carriages, engineering instruments, and all other property of like character and use, except only the wharves which formerly belonged to said mayor, aldermen and common council of said city; but said commissioners shall not be held liable to account for the rent and income of any of said property, heretofore received by

Purchaser not
liable for rents,
or profits until
taxes paid due
at time of sale.

Certain prop-
erty to be deliv-
ered to the Mo-
bile police
board.

them and surrendered as herein provided, except to said chancery court, and as a part of said trust fund in their hands for the payment of said debts; *Provided further*, That the commissioners of the late city of Mobile shall be allowed to occupy the rooms now used by them as offices for transacting the business required of them, free of rent, during their term of office; *Provided further*, That the sums which may be expended by the present port authorities in repairing and keeping in repair, and insured, the public property ordered to be turned over to them, shall not be accounted as a part of the one hundred thousand dollars which said authorities are not allowed to exceed in carrying on the municipal government of said port; that whenever the aforesaid commissioners of Mobile shall go out of office, they shall transfer to such agent or trustee, for collection, all uncollected taxes which were laid by said late city of Mobile, and said agent shall have all the rights and powers for the collection, settlement, and compromise of the same, which are vested by law in said commissioners. Said commissioners shall also transfer and deliver to said agent or trustee all the property, real and personal, held by them as such commissioners, and whose disposition is not otherwise provided for in this act. The same shall be held by such agent or trustee upon the trusts that such property was charged with, in the hands of said commissioners. And such property, except where its character was such that it was not liable for the debts of said city of Mobile, may be used, managed, and administered by such agent or trustee, as to him may seem best for the interest of all concerned, but under the supervision and control of said court or chancellor; or he may rent or lease such property on such terms, conditions, and securities as to him may seem best; *Provided*, The terms and conditions of such rents or leases be approved by the aforesaid chancellor; but the tariff or rate of wharf charges shall not exceed those now in operation, without authority of the General Assembly of Alabama. Should the inhabitants within the limits of the territory subject to this tax, or any portion of them, acting through any agency or body authorized to represent them, at any time desire to acquire said property, or any portion of it, said agent or trustee is

authorized to dispose of and convey the same to such party as may be designated by such representative agency, on such terms as may be agreed on; *Provided*, Said chancellor approve such terms. Said agent, or trustee, shall receive a salary not to exceed the rate of one thousand dollars per annum, which shall be retained out of the income of the property placed under his management and administration, and which shall not begin until said commissioners shall have gone out of office. Whenever the two years herein provided for, within which any parcels of land sold for unpaid taxes and bid off by the said agent or trustee of the bondholders may be redeemed, shall have expired, it is hereby made said agent's or trustee's duty, and he is hereby directed, authorized and empowered, to sell the same in separate parcels, as assessed, immediately, at public sale, at the usual place and hours of holding sheriff's sales, after having given notice once a week for four weeks in some newspaper published in the county of Mobile. And if there be any surplus moneys arising from such sale, after all taxes, penalties, costs, and expenses accrued thereon, including cost of advertisement and sale, hereby provided for, shall have been satisfied or paid, then such surplus shall be paid over by said agent or trustee, to the *bona fide* owners thereof; *Provided, however*, That before payment of such surplus, all taxes, penalties, costs and charges due to the port of Mobile shall be paid out of said moneys, upon presentation of the tax bills by the port authorities; and the said agent or trustee is hereby authorized and empowered to make a deed to the purchaser of each parcel of such land, in substance, as follows: I, ——— trustee, and agent of the bondholders, under the act for the adjustment and settlement of the debts of the late city of Mobile, approved the ——— day of December, 1880, hereby certify that the taxes levied under the provisions of said act for the year ——— were due and unpaid by ——— at the time of sale, hereinafter mentioned; that said taxes amounted to ——— dollars, the penalties to ——— dollars, the costs and expenses to ——— dollars, and the costs and expenses of sale were ——— dollars; that on the ——— day of ——— I sold the land hereinafter described, at public outcry to (here insert the name of the purchaser), the

highest bidder therefor, for — dollars, which he has paid me before the execution of this deed. Now, therefore, by virtue of the power vested in me, and as such agent or trustee of said bondholders, I hereby convey to the said (here insert the name of the purchaser), the following described lands, with all their rights and appurtenances, to-wit: (insert a description of the property in this blank space), to have and to hold to the said —, his heirs, and assigns forever. Whenever said office shall be abolished, the register of the chancery court for Mobile county shall be vested with the rights, powers, and duties herein provided for, and pertaining to said office, as the legal successor of the agent or trustee of the bondholders.

Sec. 2. Be it further enacted, That this act shall take effect from and after its passage.

Approved February 24, 1881.

No. 303.]

AN ACT

[H. B. 706.]

To incorporate "The Ten Island Manufacturing Company."

Name of cor-
porators, and
powers.

SECTION. 1. Be it enacted by the General Assembly of Alabama, That John H. L. Wood, John F. Green, Abraham G. Wood, Frank Wood, James P. Wood, Jr., and such other persons as may be associated with them, and their successors, be, and are, hereby constituted a body corporate by the name and style of "The Ten Island Manufacturing Company," and by that name may hold, purchase, mine, and may hold to them and their successors, lands, tenements and hereditaments, with profits, goods and property of whatever kinds, nature, quality, and quantity, as may be by them deemed necessary, convenient or useful, in the digging, raising, mining, coking, transporting and selling coal, iron ore, and all other minerals, and in making, smelting, coking, and manufacturing of all kinds of iron, steel, and other minerals, transporting and selling the same for a consideration, and erecting and constructing furnaces and rolling mills, and operating the same; also said corporation shall have full power to manufact-

ure wool and cotton into thread, yarn, and cloth; to make bagging and rope; erect mills to make corn and wheat into meal, grits and flour; build dams, cut races and canals; to manufacture all kinds of lumber, shingles, sash, blinds, doors, buckets, and hollow ware, or such branches, or parts thereof as said company may see proper to engage in; and to sell such goods, wares, and merchandise, manufactured in whole or part by said corporation, and transport all persons and freights by rail or water, for a consideration as common carriers; also, said corporation shall have the power to sue and to be sued, plead and be impleaded, in all courts having jurisdiction; they may have a common seal, and alter the same at pleasure; they may elect such officers, boards of directors, enact such by-laws, appoint such agents, and adopt such ordinances, as they may deem necessary for the organization, the government and the successful operation of the company, not inconsistent with the laws of the land, and may do all things, and make all contracts which may be useful, needful, or convenient, to carry out the purposes of said company, and may likewise sell, grant, demise and dispose of any or all of the lands, personal property, stock, or interest whatever in said corporation.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall be five hundred thousand dollars, with the privilege of increasing the same as the necessities of said corporation may demand, not to exceed (\$1,500,000) fifteen hundred thousand dollars, and to this end, and for the uniform and better regulation of the affairs of the company, they shall have the privilege of prescribing the number of shares into which the capital stock may be divided, the mode in which it shall be taken, paid, transferred or assigned, and the number of votes to which each shall be entitled, the manner in which the stockholders may cast their votes, and the times and places of the meeting of the stockholders and directors.

SEC. 3. *Be it further enacted*, That the stock subscribed to the capital of said company shall be due and payable from and after the subscription so made, and must be paid whenever the board of directors shall order or make a call for all or a portion thereof to be

paid; and upon failure to pay up the stock subscribed, when called to be paid, the same may be collected by suit at law, or the board of directors may cancel the same, or offer the delinquent stock so subscribed at public sale, by giving ten days notice of the time and place of sale in some newspaper published in the county where the office of the company may be located, and should there be no newspaper published in the county, notice must be given in the nearest newspaper published to said office.

Extent of liability of stockholders.

SEC. 4. *Be it further enacted*, That no stockholders in said company shall be held personally liable for any debt of said company, beyond, or otherwise, than for the unpaid stock owned by him or her.

Power to borrow money and mortgage property therefor.

SEC. 5. *Be it further enacted*, That said corporation shall have power to borrow money, execute a mortgage or other security of every kind and description; but shall not issue bonds or stock, except for money, labor due, or property received.

Combined railroads, &c.

SEC. 6. *Be it further enacted*, That said company are hereby authorized and empowered to locate, construct, and bring into final completion, one or more railways, of such gauge and as many tracks as they may deem necessary, from their mines, works, ore-beds, coaling and coking grounds, to such depots as they may choose to establish along the lines of any railroads in the State, and to transport persons and property, minerals and produce, upon said railway, by the power of steam, or any other motive power which they may apply. They may also purchase or contract for the use of any unfinished railroad connecting, in whole or in part, any of their said property with any depots which they may establish, as herein authorized, and may also purchase, construct, charter or hire, tugs, barges, steamboats, and other water transportation, and may use them in transporting persons, products of their mines and manufactories, and all other personal property on any of the navigable waters of this State. They may also construct one or more canals, and such slack-water navigation as may be deemed necessary, useful or convenient in carrying out the purposes of said corporation; *Provided*, If such slack-water or canal is in any stream, it shall be open to the public use,

subject to payment of such tolls to the company as the legislature may prescribe.

SEC. 7. *Be it further enacted*, That said company are hereby authorized to lay out their said railway, or railways, not exceeding one hundred feet in width through the whole length; to purchase the right of way, to obtain stone, earth, gravel, timber and other material necessary to construct or make cuttings, throw up embankments, and build bridges; to establish platforms, warehouses, stations, turnouts, depots, elevators, coal chutes and wharves.

Right of way
and how ob-
tained.

SEC. 8. *Be it further enacted*. That if the owner or owners of the lands which may be required for the use and purposes mentioned in the preceding sections of this act cannot agree with said corporation on the value or the damages, or in case such owner is an infant, non-resident or *non compos mentis*, such value or damages shall be ascertained and assessed in the manner directed by the general law of the State, in such cases made and provided.

Proceedings
when agree-
ment with own-
er cannot be
reached.

SEC. 9. *Be it further enacted*, That said company are further authorized to erect and establish all such buildings, fixtures, structures, machinery, water-craft, depots, and wharves, as may be needed, convenient or useful in carrying on their business, subject to the restrictions contained in section eight of this act.

General pow-
ers.

SEC. 10. *Be it further enacted*, That said company may have power, by its board of directors, to hold meetings of their stockholders, convocation or board of directors, at any time and at any place they may deem proper and convenient in this State; but the business office of the said company shall be located at their principal mill, mine or furnace, in the county of Saint Clair, Calhoun, or Talladega, in the State of Alabama.

SEC. 11. *Be it further enacted*, That any and all parts of this act that may require the approval of the Federal government be, and the same is, hereby recommended.

Approved February 26, 1881.

No. 304.]

AN ACT

[H. B. 905.]

To amend section 23 of an act entitled "An act to incorporate the Northern Bank of Alabama."

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 23 of an act entitled "An act to incorporate the Northern Bank of Alabama," approved February 10, 1852, be, and the same is, hereby amended so as to read: Section 23. *Be it further enacted*, That notwithstanding the expiration of time for which the said corporation was created, it shall be lawful to use the corporate name, style, and capacity for the purpose of suits, and for the final liquidation and settlement of the affairs and accounts of the corporation, for the sale and disposition of its estate, real and personal, and collection of its assets, but not for any other purpose, nor beyond the first day of January, 1884.

Approved February 26, 1881.

No. 305.]

AN ACT

[H. B. 608.]

To establish a new charter for the town of LaFayette, in the county of Chambers.

Area incorpo-
rated.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the town of LaFayette, in the county of Chambers, be, and the same is, hereby incorporated; and the corporate limits of said town shall embrace the area of land two miles square, the marginal lines of which shall be equi-distant, north, south, east, and west, from the court house in said county.

Elections;
when held and
how; term of
office.

SEC. 2. *Be it further enacted*, That an election shall be held in said town on the third Monday in March, 1881, and on the same day in every succeeding year, to commence at 9 o'clock A. M., and close at 3 o'clock P. M., for the purpose of electing an intendant, a constable, and five councilmen, (inhabitants of said town), who shall serve for the term of one year, and until their successors are qualified; which election shall be held by the acting intendant and two councilmen, or by a

majority of the acting councilmen, and all subsequent elections shall be held in the same manner. The person receiving the highest number of legal votes for the office of intendant shall be elected intendant, and the person receiving the highest number of votes for constable shall be elected constable, and the five persons receiving the highest number of legal votes for councilmen shall be elected councilmen. Every citizen of said town who would be a legal voter at an election for members of the General Assembly, and shall have been a resident of said town for three months next preceding the election, will be a legal voter for intendant and councilmen at such election.

SEC. 3. *Be it further enacted*, That said intendant and councilmen shall elect a clerk and treasurer; said clerk, treasurer and constable, before entering upon the discharge of their duties, must enter into bonds in such sums as may be prescribed by the ordinances of said town, to be approved by the intendant, and payable to the intendant, and his successors, for the faithful discharge of their respective duties; and each must severally take and subscribe the oath following, to-wit: "I, A. B., (as the case may be), solemnly swear that I will, to the best of my skill and ability, discharge the duties incumbent on me (as———of the town of LaFayette), so help me God." A certificate of said oath to be attached to the respective bonds, and filed in the office of the intendant.

Council to elect clerk and treasurer; their duties.

SEC. 4. *Be it further enacted*, That at the election for intendant, constable and councilmen, prescribed in section two of this act, the managers thereof shall make and preserve a certificate showing the number of legal votes polled for the different officers, and showing what person received the highest number of legal votes for the office of intendant, what person received the highest number of legal votes for constable, and the five persons who received the highest number of legal votes for councilmen of said town. In case of a tie vote, either for intendant, constable or councilmen, the intendant and councilmen of said town, or such of them as may not be interested in the question, shall determine who shall be intendant, constable or councilmen, as the case may be. All elections for intendant, constable and councilmen, under this act, shall

Mode of conducting election for intendant and councilmen.

be by ballot, and no person shall be eligible to office under this act unless he be a qualified voter in said town.

Removal of
clerk, treas-
urer and consta-
ble.

SEC. 5. *Be it further enacted*, That the intendant and councilmen shall have the power to remove from office the clerk, treasurer and constable, upon satisfactory reasons, and appoint others; the councilmen, upon a four-fifths vote, may, for a good reason, remove the intendant, and the intendant and council, for a good reason, may, upon a four-fifths vote, remove any councilman. All vacancies occurring in the offices by death, resignation, or under the provisions of this section, shall be filled by the intendant and councilmen, and the persons so elected shall hold office until the next general election. The intendant and councilmen shall have the power to fix the salaries of the officers, as in their judgment they may deem sufficient.

Powers grant-
ed to the in-
tendant and
council.

SEC. 6. *Be it further enacted*, That the said intendant and councilmen are hereby constituted a body politic, and incorporated by the name and style of "The Intendant and Councilmen of the town of LaFayette," by which name they and their successors in office shall be capable in law and equity of suing and being sued, pleading and being impleaded, and in general to do and perform all acts incidental to bodies corporate; to purchase and to hold, or dispose of, for the benefit of said town, real, personal and mixed property to the value of fifteen thousand dollars.

If election not
held on pre-
scribed day can
be held on
another not ex-
ceeding twenty
days off.

SEC. 7. *Be it further enacted*, That should any election fail to be held for intendant and councilmen on the day prescribed by this act, the corporation shall not, for that cause, be dissolved; but the intendant and councilmen shall remain in office until their successors are elected and qualified, and they shall proceed to appoint some other day, not beyond twenty days thereafter, on which day an election for intendant and councilmen shall be held as prescribed by this act. Ten days notice by posting at the court house door shall be given of all elections held under this act, said notice to be signed by the intendant.

How elections
may be contest-
ed.

SEC. 8. *Be it further enacted*, That any election held under the provisions of this act may be contested in the same manner as is, or may be, provided by the laws of this State for contesting the election of pro-

bate judges, and all the provisions of such laws, in relation to contesting the election of a probate judge, shall, so far as the same are, or may be, applicable, apply to contests of any election held under this act. The ballots cast at any election held under this act shall, after being counted, be carefully sealed up by the inspectors and deposited by them with the circuit clerk, who shall preserve the same for thirty days after the result of such election is declared, and then, if there be no contest filed, the said clerk shall cause the same to be burned in his presence, and in the presence of the probate judge; but in the event of a contest, they shall be delivered by the clerk to the judge trying the same.

SEC. 9. *Be it further enacted*, That a majority of the intendant and councilmen shall constitute a quorum for the transaction of any and all business that may come before them, and for the passage of by-laws and ordinances. The intendant and councilmen shall fix their own sessions, and the intendant or two councilmen may call special meetings of the board, notice thereof being given by the constable to all the board in the town of the time; in the case of sickness, or temporary absence of the intendant, he may appoint one of the councilmen to act as intendant during such sickness or absence, and such intendant *pro tempore* shall exercise all the powers and perform all the duties of intendant.

SEC. 10. *Be it further enacted*, That the "intendant and councilmen of the town of LaFayette," shall have power to pass such by-laws and ordinances as may be necessary or proper to maintain and execute the powers in this charter granted, and for their own government, and the government of said town, not contrary to the constitution and laws of this State, or to the restrictions herein imposed; and it is hereby expressly declared and enacted, that the power and authority herein conferred is to be liberally construed, for the attainment of the purposes for which it is granted; to prevent nuisances and to remove the same at the cost of the person causing them, or upon whose premises they are found; to license, tax, regulate, or restrain, balls, dances for pay, theatrical or other shows, exhibitions, lectures, concerts and other amusements, except lectures, concerts

Majority of intendant and council a quorum.

Authority for preserving peace, preventing and abating nuisances, &c.

and entertainments for charitable purposes; to prohibit and restrain all disorderly houses, gaming houses, houses of ill fame, racing, prize fighting, and cock fighting, and all character of gaming, within the limits of said town; to prevent and punish all breaches of the peace, disorderly or riotous conduct, or indecent conduct, assaults and batteries, and all violations of the ordinances of said town; to establish night and day watches and police, and to punish the officers of the town for neglect of duty, by fine not exceeding ten dollars, and reserve the same out of their salaries; to prevent and disperse all unlawful and disorderly assemblages; to establish and regulate markets, and license the same; to keep in repair all sidewalks, alleys and streets; to open the same where they may be closed, and at all times keep them free from obstructions of all kinds; to widen and improve streets, alleys and sidewalks now existing, and to establish, ascertain and open new ones; to close streets, sidewalks and alleys, and sell the same, or any part thereof, when in the discretion of the council it would be to the interest of the town; but not to affect injuriously any property already improved bordering on said street, sidewalk or alley; and to build and make bridges and drains, and to adopt measures necessary to preserve and regulate the same; to license and regulate carts, wagons, drays, hacks and carriages running for hire within the limits of said corporation; to license and tax all transient merchants or dealers who shall remain in the town less than one year; to license and tax auctioneers, and regulate the sales at auctions, except sales under an order of court or by executors or administrators; to license or tax any business or calling not herein mentioned for which a license is required by the State; to license vendors of spirituous or malt liquors, retail and wholesale dealers in the same, within the limits of the corporation; to pass and enforce all ordinances deemed necessary or proper to prevent the introduction of infectious or contagious diseases within said town, and to preserve the health of the inhabitants of the same; to prevent and punish any disturbance of the public or private worship of God, or any assemblage of the inhabitants of said town met for any lawful purposes; and to prevent and punish any indecent exposure of

the person, profane or obscene language or exhibitions, drunkenness on the streets, boisterous or disorderly conduct, and anything else pernicious to the morals and good order of society; to prevent stock or animals of any kind from running at large in the streets and alleys of said town; to prevent and punish malicious or willful mischief to houses, fences, ornamental, fruit or shade trees, sign or sign posts, tombs, monuments, or other property within the corporate limits of said town, of whatever description; to take and have control and management of the public grave-yard of said town; to erect and keep a guard house for the confinement and imprisonment of offenders against the laws, by-laws and ordinances of said town; to punish by fine, not exceeding ten dollars, and imprisonment, not exceeding twelve hours, one or both, all contempts of the intendant and council, or any of them, while engaged in the performance of their official duties; and by fine not exceeding fifty dollars, and imprisonment, or hard labor on the streets or other public works of the town, for not exceeding sixty days, any breach or violation of the laws, by-laws, or ordinances of said town; and all fines provided for in this act may be collected by execution, issued by the clerk and countersigned by the intendant or any councilman acting as intendant, or their non-payment punished by imprisonment or hard labor as aforesaid, at the rate of one day for each fifty cents of the fine and costs assessed against the party; to punish and prevent vagrancy; *Provided*, That in all cases where judgments are rendered against persons under this act, and the laws, by-laws and ordinances made in pursuance thereof, by the intendant and councilmen of said town, the party against whom such judgment is rendered may have an appeal as hereinafter provided.

Sec. 11. *Be it further enacted*, That the party against whom a judgment may be rendered in the intendant's court, may have an appeal to the council, and said appeal is to be governed and taken according to the ordinance of said town granting appeals, or the party against whom the judgment is rendered may have an appeal to the circuit court of Chambers county, by proceeding in the same manner as is provided by the Code of Alabama for appeals from the county

Right of appeal
from intendant's court.

court, except that the bond shall be made payable to the intendant and councilmen of the town of LaFayette, and their successors, and shall be approved by the intendant, or, in his absence, by one of the councilmen. If the defendant fails to appear at the circuit court a judgment *nisi*, as in cases of forfeited bail bonds, taken in the circuit court, shall be rendered against the defendant and sureties in favor of said intendant and councilmen of the town of LaFayette, and proceedings had similar to those upon other forfeited bail bonds, and a warrant of arrest issued for the defendant from the circuit court without any other authority therefor. Such warrants must be issued to the sheriff of the county, and when the defendant is arrested he may be released by executing bond with sureties, in the like amount and condition as the original bond. The trial in the circuit court shall be *de novo*, upon a complaint filed in the name of said town, briefly stating the charge against the defendant. If the defendant is convicted, the court shall render judgment against the defendant, imposing such fine or imprisonment, or hard labor on the streets of said town, or both fine and imprisonment or hard labor, as the court shall deem proper, and shall also render judgment for all costs and fees in the circuit court and intendant's court; and if the fine and costs are not paid, or a judgment with satisfactory securities confessed, shall sentence the defendant to hard labor on the streets or public works of said town, at the rate of one day for each fifty cents of fine and costs; and said intendant and councilmen shall be entitled to recover of such defendant, upon conviction on appeal, an attorney's fee of ten dollars, to be taxed and collected as part of the costs. The court shall direct the sheriff, when the defendant is sentenced to hard labor or imprisonment, to deliver him to the town authorities for the purpose of having the sentence of the court executed; all fines so imposed to be paid to the treasurer of said town for town purposes.

What tax can
be levied, and
how collected.

SEC. 12. *Be it further enacted*, That said corporation shall have power, in addition to the special taxes hereinbefore authorized, to levy an annual tax for the purpose of defraying the expenses of the said corporation, not exceeding one-half of one per cent. on the assessed value of the property taxed in any one year,

and to collect and enforce the payment of said tax according to the provisions of this act, the following property, to-wit: All real and personal property, all stocks in trade, solvent notes and accounts, certificates of deposit, money hoarded or out at interest, judgments, bonds or other obligations for money, and all species of property not herein specifically enumerated, within the corporate limits of said town, whether owned by individuals, corporations or partnerships, or held by any person in his, her, or their own right, or the right of any other person or persons as agent, or in any capacity, except such property as may be exempt from taxation by the laws of the State of Alabama.

SEC. 13. *Be it further enacted*, That all the property in said town, subject to taxation, shall be assessed by the clerk of said town in the following manner: Said clerk shall, on the first day of October in each year, publish, or cause to be published, written or printed notices to the citizens of said town, and post in conspicuous places in sufficient numbers to give warning to every one, that his books will be open ten days next after the publication of said notices for the assessment of taxable property; and it shall be the duty of each and every citizen holding such property subject to taxation within said town, to visit the office of said clerk within said time, and give in, or render to him, under oath, a list of said property, and at such valuation as the party so giving in may affix; and if any one shall fail or neglect to give in or render his or their property within said time, then it shall be the duty of the intendant to appoint two disinterested freeholders of said town, who, together with the clerk, shall proceed to assess the taxes thereon according to the best information they can obtain; and should the freeholders so appointed fail or refuse to act, then said intendant shall appoint two members of the council, who shall proceed, with the clerk, to assess said property, as hereinbefore prescribed.

Clerk to assess property.

SEC. 14. *Be it further enacted*, That it shall be the duty of the clerk to make a digest of all the property assessed in the town of LaFayette, with the value thereof, and return the same to the intendant and council at their first regular meeting in November, and when such digest shall have been inspected and found

Returns made to intendant and council.

correct the intendant and council may proceed to assess such rate per cent., not exceeding one-half of one per cent., as will raise sufficient revenue for the wants and expenses of the corporation for the fiscal year.

Constable to collect. SEC. 15. *Be it further enacted*, That it shall be the duty of the intendant and council to turn over to the constable the digest of the taxes as early after the first meeting in November as practicable, and said constable shall proceed at once to the collection of the taxes, giving to each party who pays a receipt for the same; and it shall be the duty of the constable to call in person on every tax payer at least one time for the payment of his taxes before the twentieth of December, and if after that time there shall be any delinquents, it shall be the duty of the clerk to issue executions against them immediately and place the same in the hands of the constable; when such executions shall have been placed in the hands of the constable, he shall notify all delinquents of the fact, and if after the expiration of five days from said notice the tax still remains unpaid, he shall proceed to levy said executions upon such property, real or personal, as he may find in the corporate limits of said town belonging to the defendants in execution. After the levy of said executions the property levied on shall be advertised for sale by the constable, for at least ten consecutive days, either by publication in any newspaper in said town, or by posting at least six written or printed notices in conspicuous places in said town; after the property so levied on shall have been advertised as herein provided, the constable shall, between the hours of eleven o'clock A. M., and three o'clock P. M., expose the same for sale at public outcry, for taxes and costs that may have accrued thereon, and whoever shall bid off the property, or any part thereof, for the amount of taxes and costs, shall be declared the purchaser of the same, and shall receive from the constable a certificate of said purchase, setting forth a description of the property sold, the amount of taxes and costs paid, and the time and place of sale; and upon the payment of said taxes and costs, the constable shall turn said certificate of purchase over to the purchaser, to be held by him as an evidence of his pur-

chase; and if said purchaser shall hold said certificate of purchase for twelve months, without a redemption of the property as hereinafter prescribed, then the said constable shall execute absolute titles in and to said property to the purchaser so holding such certificate of purchase, which said titles shall be signed by the constable, and countersigned by the intendant, and shall vest in the purchaser all the interest which the defendant in execution had in and to said property, absolutely; and if there shall be no bidders at the sales of such property, it shall be the duty of the constable to bid the same off for the "intendant and councilmen of the town of LaFayette," for the amount of taxes and costs due thereon, and to execute certificate of purchase as hereinbefore prescribed; and if said intendant and councilmen of the town of LaFayette shall hold said certificate of purchase for twelve months without a redemption of the property by the owner, then it shall be the duty of the constable to execute titles to the intendant and councilmen of LaFayette in the same manner as hereinbefore provided, and said titles shall vest in the intendant and councilmen absolutely all the interest of the defendant in execution.

SEC. 16. *Be it further enacted.* That any person or persons whose property shall have been sold for taxes under the provisions of this act, shall be allowed, at any time within twelve months from the date of such sale, to redeem the same, by paying the amount of taxes and costs and twenty per cent. additional, which said amount of taxes and costs, and twenty per cent. shall, if there be a purchaser, be turned over to him, and his certificate of purchase shall be taken up and cancelled; but if the property shall have been bid off for the intendant and councilmen, then the same shall be turned over to the treasurer of said town and the certificate of purchase cancelled.

Property sold for taxes can be redeemed; conditions and terms.

SEC. 17. *Be it further enacted,* That it shall be the duty of the intendant and councilmen, whenever it is made to appear that any person has given in any taxable property at too low or too high a valuation, to equalize and arrange the assessment in accordance with the real value of said property; but in no case shall the assessment be changed without first summoning the party interested to appear and show cause why it

Equalizing tax assessments.

should not be changed; but should parties, after being summoned, fail to appear, or fail to show a good cause for not changing the assessment, then the intendant and councilmen shall proceed to equalize the value of said property from the best information they can obtain.

SEC. 18. *Be it further enacted*, That the executions issued by said clerk for taxes as hereinbefore provided, shall be a lien on all the property given in by the party against whom the execution was issued, and said lien shall be paramount to all mortgages, judgments and other liens, except the lien of the State for taxes; and no assessment of property or charges for taxes which shall be considered as illegal on account of any irregularity of the tax lists or digest, or on account of the same not having been made and returned within the time required by law, or on account of the property having been listed without the proper name of the owner, and no error or informality in the proceedings of any of the officers connected with the assessment of the taxes, not affecting the substantial justice and rights of the tax-payers, shall affect the proceedings herein provided for, and all such errors may, in the discretion of the intendant and councilmen, be corrected.

Duty of intendant at council meetings and in trials for violations of town laws.

SEC. 19. *Be it further enacted*, That it shall be the duty of the intendant to preside at all meetings of the council, and preserve order; he may call meetings of the council whenever in his opinion he may deem it necessary. The intendant shall hear and determine all cases of the breach or violation of the laws, by-laws or ordinances of the town, or may require one of the councilmen to attend to this in his stead, and it will be his duty to hear all violations of the charter. The intendant shall possess within the corporate limits all the power and jurisdiction of a justice of the peace in civil and criminal cases, and be subject to all corresponding duties and responsibilities, and for his services in such cases shall be allowed the same fees which are allowed by law to justices of the peace, and his signature or acts as intendant in such cases shall be of equal force as if done by him expressly as justice, and from any judgment or decision of the intendant, sitting as a justice, the party desiring it may take an

appeal, or *certiorari*, to the circuit court, under the same rules governing appeals from justices; *Provided*, Said intendant shall not exercise the jurisdiction of a justice of the peace unless he executes a bond as required from justices of the peace; but no commission will be required, only a certificate of election as intendant from the managers.

SEC. 20. *Be it further enacted*, That the constable of said town shall have the authority to execute the laws, by-laws and ordinances passed by the intendant and councilmen of the town of LaFayette; to arrest, without warrant, all offenders against the peace and good order of the town, and all violators of the laws, by-laws and ordinances, and carry them before the intendant, or confine them for safe keeping in the county jail or town guard-house, until they can be brought before the proper authority; and if necessary he may call to his assistance any of the citizens of said town to enable him to make arrests; any person or persons refusing or neglecting to assist, when so called upon by the constable, shall be carried before the intendant for refusing to aid in making the arrest, and, if found guilty, shall be punished by a fine of not exceeding ten dollars, and on failure to pay said fine shall be imprisoned or put to hard labor for twenty days. The constable shall be required to perform all the duties that may be required of him by the by-laws and ordinances of said town.

SEC. 21. *Be it further enacted*, That the intendant is hereby constituted a peace officer, with power to quell all affrays, riots, and difficulties in said town, and if necessary summons any citizen or citizens to aid him in executing the power granted him in this section; and any one refusing to aid him shall be punished as prescribed in section twenty of this act.

SEC. 22. *Be it further enacted*, That all persons residing in said corporate limits, liable to do road duty, shall be liable, and are hereby required, to work on the streets, roads and alleys in said town, not exceeding ten days in any one year; *Provided*, That all such persons shall be exempt from working on the streets, roads and alleys in said town by paying such street tax as the corporate authorities may impose, not exceeding three dollars in any one year; *Provided further*,

That all persons in said corporate limits shall be wholly exempt from road duty within said limits.

SEC. 23. *Be it further enacted*, That all by-laws and ordinances now in force in said town, and not in conflict with this act or the constitution and laws of Alabama, shall be continued in force, subject, however, to amendment, change, or repeal by the corporate authorities.

SEC. 24. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be, and the same are, hereby repealed, so far as they apply to said corporation.

Approved February 26, 1881.

No. 306.]

AN ACT

[H. B. 537.

To repeal section 4202 of the Code of 1876, relating to selling, or giving away liquors, near places of religious worship, so far as it relates to Bladon Springs, and within one mile of the Bladon Springs hotel.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 4202 of the Code of 1876, relating to selling or giving away liquors, near places of religious worship, so far as it relates to Bladon Springs, Choctaw county, and within one mile of Bladon Springs hotel, be, and the same is, hereby repealed.

Approved February 26, 1881.

No. 307.]

AN ACT

[H. B. 143.]

To repeal so much of an act entitled "An act to prohibit the sale of vinous, spirituous, or other intoxicating liquors, except for sacramental purposes, within five miles of the Methodist church near Thomas H. Phillips' place, in Macon county, and Oak Grove station, on the Montgomery and Eufaula railroad," as relates to Perry's Mill and Williams' Mill, near Oak Grove station, on the Montgomery and Eufaula railroad.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act entitled "An act to prohibit the sale of vinous, spirituous, or intoxicating liquors, except for sacramental purposes, within five miles of the Methodist church, near Thomas H. Phillips' place, in Macon county, and Oak Grove station, on the Montgomery and Eufaula railroad, in Montgomery county, be, and the same is, hereby repealed, so far as the same relates to Perry's Mill and Williams' Mill, near Oak Grove station, on the Montgomery and Eufaula railroad, in Montgomery county.

Approved February 26, 1881.

No. 308.]

AN ACT

[H. B. 774.]

To authorize the town of Eutaw to borrow money, by the issuance of new bonds, for the purpose of compromising and paying the outstanding bonds of said town, issued in aid of Selma, Marion and Memphis railroad company.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the town of Eutaw, in the State of Alabama, by its corporate authorities, be, and is, hereby authorized and empowered to cause to be prepared and issued, bonds of the town of Eutaw, not exceeding in the aggregate twelve thousand dollars, said bonds to be issued for the sum of one hundred dollars each. Said bonds shall be signed by the mayor, and counter-

Bonds to be issued.

Registration of
bonds.

signed by the treasurer of said town, and shall have attached thereto interest coupons, signed and numbered to correspond with the bond, and setting forth the amount of interest which will be due at the time named in said coupons. Said bonds shall bear interest at the rate of eight per centum per annum, payable annually. The mayor of said town shall keep a book of registration, in which he shall keep the number, description and amount of all bonds issued by him under the provisions of this act; and he shall issue said bonds on the order only of the mayor and aldermen of said town. Said bonds shall be issued to run for a period of fifteen years before maturity; *Provided*, The corporate authorities of said town shall have the privilege and authority to call in and redeem any of said bonds before their maturity, after five years from the date of their issue, upon payment of the principal and interest then due. These bonds and coupons, when due, and at any time thereafter, shall be received, when presented, at their par value, in payment of all dues to said town, and for all taxes levied for the use thereof.

Sale of bonds.

SEC. 2. *Be it further enacted*, That the bonds issued under the provisions of this act may be sold by the corporate authorities of said town, and the proceeds arising from the sale thereof shall not be used for any other purpose than to pay off and discharge the bonds now outstanding against said town; and it shall be the duty of the mayor and aldermen of said town to guard this section.

Special tax

SEC. 3. *Be it further enacted*, That the mayor and aldermen of said town shall have power, and it is hereby made their duty, to levy, from time to time, for each and every year, within the constitutional provisions for taxation, a sufficient tax to pay at maturity all interest and principal of said bonds that may become due, which tax is not to be included in the ordinary expenses of said town; and it is made the duty of the mayor and aldermen of said town to see that the money so arising shall be appropriated to the payment alone of the principal and interest of said bonds.

Old bonds pre-
sented for re-
demption

SEC. 4. *Be it further enacted*, That the holders of the bonds outstanding against the town of Eutaw, issued in aid of the Selma, Marion and Memphis railroad, shall present the same to the mayor of said town,

at Eutaw, Alabama, within twelve months after the passage of this act, or within twelve months after notice, by publication once a week for six successive weeks, in the New York Herald, Louisville Courier-Journal, and in the Whig and Observer, and upon failure to do so, all coupons then due shall be forfeited by the owner or holder thereof to said town.

SEC. 5. *Be it further enacted*, That the mayor and aldermen of said town be authorized to allow all just and reasonable expenses incurred in carrying out the provisions of this act as proper claims against said town. Expenses.

Approved February 26, 1881.

No. 309.]

AN ACT

[H. B. 511.]

To repeal an act entitled "An act to incorporate the town of Orion, in the county of Pike," as to that portion of said town lying within the county of Montgomery.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the act entitled "An act to incorporate the town of Orion, in the county of Pike," approved February 4th, 1850, be, and the same is, hereby repealed, as to all territory of said corporation lying in the county of Montgomery.

Approved February 26, 1881.

No. 310.]

AN ACT

[S. 85.]

To incorporate the Gulf Coal Company.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That William H. Pratt, Peter Stark, John Wylie, James E. Webb, T. Crawford Clark, E. W. Rucker, Porter King, H. A. Haralson, R. M. Nelson, Joseph F. Johnson, E. A. Burke, Duncan F. Parker, Thomas A. Hamilton, Leroy Douglas, J. H. Fitts, Horace Harding and F. S. Moody, and their associates and suc- Names of in-
corporators.

cessors, be, and they are, hereby made and constituted a body politic and corporate, by the name of the Gulf Coal Company, and by that name may have and use a common seal, sue and be sued, plead and be impleaded, acquire and hold or dispose of such real estate and other property as may be necessary or desirable for the proper transaction of its business, as they may consider proper, not inconsistent with the constitution of the United States, or of this State, or the provisions of this act.

Objects and
purposes of in-
corporation.

SEC. 2. *Be it further enacted*, That the objects and purposes for which this corporation is created are, to engage in the mining and transportation of coal and the sale thereof, the building and operating of a railroad, or railroads, and canals, in connection with the mining, transportation and sale of coal, and also the improvement of the Black Warrior river above Tuscaloosa, in the State of Alabama, in order to afford greater facilities for the transportation of coal from the Warrior coal fields to a market. And the said company shall have full power and authority to engage in the said business and carry on the said operations; *Provided*, That in so doing, it shall not interfere with the use of the Black Warrior river by any party or parties, in any way in which it is or would be capable of use, if no operations were undertaken by said company.

Capital stock.

SEC. 3. *Be it further enacted*, That the capital stock of said company shall be at least two hundred thousand dollars, and may be increased at any time, or from time to time, until it reaches two million dollars, to be divided into shares of one hundred dollars each, to be subscribed for and paid or secured as hereinafter provided.

Authority to
purchase land,
own railroads,
&c.

SEC. 4. *Be it further enacted*, That the said company shall have full power and authority to purchase, own and hold, and to lease, all such coal lands as they deem advisable for the interest of the company in the prosecution of its business. Said company is also authorized and empowered to construct its railroad bed and track or tracks and canals as it may deem advisable for the carrying on of the interest of the company in the mining, transportation and sale of coal; and also to purchase, contract, own and hold any and all vehicles, engines, boats, cars and other property which they may

consider necessary or proper for the carrying on of their business.

SEC. 5. *Be it further enacted*, That said corporation shall have the right to purchase, or condemn for the use of its railroad, the right of way in the lands over which such road may pass, which shall not exceed 150 feet in width; and to purchase and condemn such lands along the banks of said Black Warrior river as may be necessary for its landings, wharves, bulkheads, depots, warehouses, and coal yards, on the payment to the owner thereof of just compensation; and the general law applicable to writs of *ad quod damnum* shall apply in all such cases; and it shall have the right to cross any public road, street, or highway, with its railroad, but it shall in all instances place and keep such road, street or highway, in a condition satisfactory to the county commissioners of the county; and if such road is situated within the limits of any incorporated city or town, the corporation hereby created shall keep that part of the road in a condition satisfactory to the corporate authorities of such city or town.

Right of way,
and how pur-
chased.

SEC. 6. *Be it further enacted*, That it shall be lawful for the said corporation to allow its railroad to be used for the benefit of other parties besides itself, upon such terms as may be agreed on between such parties and said corporation; *Provided*, That if said corporation shall engage in the business of carrying freight and passengers, or either, for hire, they shall be deemed common carriers, and subject to all the laws applicable to common carriers and railroad corporations.

Use of its rail-
roads.

SEC. 7. *Be it further enacted*, That said corporation is authorized and empowered to make such improvements of the Black Warrior river, between Tuskaloosa and such point or points above as it may deem necessary or advisable, in order to enable it the better to carry on its business; and it shall have power and authority to charge a reasonable toll (subject at all times to the control of the General Assembly of the State), to all persons for the use of any increased facilities of navigation of the said Black Warrior river, at any point or points above Tuskaloosa, caused or procured by the operations of said company.

Improvements
in the Black
Warrior river.

SEC. 8. *Be it further enacted*, That the corporate powers hereby granted shall be forfeited unless the

Time within
which work
must com-
mence or char-
ter forfeited.

company hereby incorporated shall, within two years from the passage of this act, have been organized and *bona fide* commenced work, and shall have expended at least the sum of one hundred thousand dollars in work, in building a railroad or railroads, or in improving said Warrior river, or in opening and operating coal mines; *Provided*, That this charter may be annulled or vacated by act of the General Assembly, or by appropriate legal proceedings, in case said company shall not organize and prosecute the purposes for which it is chartered; *Provided*, That if such purposes are prosecuted in good faith, said company shall continue twenty years from the passage of this act.

Books of sub-
scription.

SEC. 9. *Be it further enacted*, That a majority of the corporators named in the first section of this act may, at any time within twelve months after the passage of this act, cause books of subscription to the capital stock of this company to be opened at any one or more points under their supervision, and the same may be kept open until two hundred thousand dollars shall have been subscribed; and this subscription may be increased afterwards, within the limits herein prescribed, as said company may think advisable.

How paid up.

SEC. 10. *Be it further enacted*, That each subscriber to the stock shall, at the time of subscribing, pay to the person or persons receiving the subscriptions for the company ten per cent. upon the amount of his subscription, and for the residue shall execute his promissory note, payable to the company on demand, without interest, with satisfactory security; and each such note shall state it is given for stock subscribed for in said company; payment of said notes shall be required in such installments as the directors may deem advisable; *Provided*, They shall not amount to more than ten per cent. on the subscription in any one month. Reasonable notice of every such call shall be given to the stockholders. If any stock-holder shall fail to make payment of any installment within thirty days after notice thereof, the whole amount due on his note, with interest thereon from the date of the call, will become due and payable, and he may be sued therefor. No stockholder will be personally liable for the debts or liabilities of the company, beyond the amount due upon his note.

SEC. 11. *Be it further enacted*, That the business of

the company shall be managed by not less than five directors, to be elected by the stockholders; and the directors so elected shall choose one of their number to be president of the company. No person shall be eligible to the office of director, unless he is a stockholder, and at every election of directors, each stockholder shall be entitled to one vote for each share of stock held by him.

How the business shall be managed.

SEC. 12. *Be it further enacted*, That the president and directors of the company shall elect or appoint such officers and agents as they may think necessary for the proper management of its affairs, and may prescribe their duties, and fix their salaries or compensation, and may require such of them as they think proper to give bond and security for the faithful discharge of duty, in such amount, and form, and with such surety or sureties, as they may approve.

President and directors to select such agents as needed.

SEC. 13. *Be it further enacted*, That the said directors may prescribe and regulate the place or places where the company shall have its office or offices, and change the same from time to time, if deemed advisable. They may also make by-laws, rules and regulations for the better management of the affairs of the company.

Place of office.

SEC. 14. *Be it further enacted*, That as soon as conveniently may be, after two hundred thousand dollars have been subscribed to the capital stock, the corporators named in the first section of this act, or a majority of them, shall call a meeting of the stockholders, to be held in Mobile, after ten days notice by advertisement in one or more newspapers published in Mobile, Alabama, for the purpose of electing directors of the company.

Meeting for organization in Mobile.

SEC. 15. *Be it further enacted*, That on the first Monday of June next after the first election of directors, and annually thereafter (or as soon after said first Monday of June as practicable), an election of directors shall be held, to serve for the ensuing year; and at each such election a statement of the condition and affairs of the company shall be submitted by the directors, to the stockholders.

Directors; when elected

SEC. 16. *Be it further enacted*, That no person can hold office as president or director after he ceases to be a stockholder. The president and directors may fill

President and
directors must
be stockhold-
ers.

vacancies in the board; they may prescribe the form of certificates of stock, and the manner of transferring the same; and the company shall have a lien on the stock of each stockholder to secure the payment of any indebtedness from him. The president and directors will continue in office until their successors are elected and qualified.

SEC. 17. *Be it further enacted*, That the board of directors may declare, and pay, dividends upon the capital stock, at any time or times when the earnings and profits of the company shall warrant the same.

SEC. 18. *Be it further enacted*, That all laws and parts of laws inconsistent with the provisions of this act be, and the same are, hereby repealed.

Approved February 28, 1881.

No. 311.]

AN ACT

H. B. 841.]

To amend an act approved January 28, 1870, to incorporate the town of Columbia, Henry county, Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act approved January 28, 1870, entitled "An act to incorporate the town of Columbia, Henry county," be amended so as to read as follows: That the corporation of the town of Columbia shall hereafter consist of a mayor and four councilmen, and shall be known and styled the mayor and council of the town of Columbia, and by that corporate name may sue and be sued, plead and be impleaded, either at law or in equity, in all the courts of this State. They may purchase, receive and hold personal and real estate, to any value not exceeding twenty thousand dollars at any one time, using and disposing of the same for the town of Columbia only; and may grant and convey personal and real estate, and do all acts, as natural persons. And said corporation may have and use a corporation seal, which they may alter at pleasure.

Corporate
name.

SEC. 2. *Be it further enacted*, That the corporate limits and boundaries of the town of Columbia, in said county, shall be, and the same are, hereby designated

and established as follows: That the corporate limits of said town embrace one mile square, the Columbia male and female college building where it now is, to be the centre of the same, and the boundary lines defining said corporate limits to run east, west, north and south, and forming a parrallelogram, with the said college building in the centre.

Boundaries.

SEC. 3. *Be it further enacted*, That the intendant and councilmen now in office in the town of Columbia shall cause an election to be held on the first Monday in May, 1881, for a mayor and four councilmen for the town of Columbia, the election to be held at such place within the corporate limits as said intendant and council may determine; and said mayor and councilmen so elected, and each subsequent board of mayor and councilmen, shall, in like manner, cause an election to be held for mayor and councilmen each and every succeeding year.

Election of officers.

SEC. 4. *Be it further enacted*, That all male persons shall be qualified voters in the election of officers, and other elections held in said town, who are qualified by the constitution and laws of the State to vote for members of the State legislature, and who have resided in the corporate limits of said town for three months preceding the election at which he offers to vote.

Qualified voters.

SEC. 5. *Be it further enacted*, That any resident elector of said town shall be eligible to the office of mayor, councilman or marshal; and should any of said officers remove from said town, or be absent therefrom for three months at any one time, without the consent of the councilmen, his office is thereby vacated.

SEC. 6. *Be it further enacted*, That whenever any vacancy shall occur, either by death, resignation, refusal to accept, removal from office, or absence as aforesaid, in the office of mayor or councilman, it shall be the duty of the remaining members of the board of mayor and councilmen to fill such vacancy by an election at their next regular meeting.

Vacancies.

SEC. 7. *Be it further enacted*, That the mayor and councilmen shall, by ordinance, provide for deciding all cases of a tie vote, which may occur in any election, and for all cases of contested election to conform, as near as possible to article 3, chapter 4, of title 6, of the Code

Contests.

of Alabama, and to be triable before the judge of the probate court of said county.

SEC. 8. *Be it further enacted*, That the mayor and councilmen shall provide, by ordinance, for the appointing of proper judges and clerks of all elections, and for the holding, managing and making returns thereof.

Oath of office. SEC. 9. *Be it further enacted*, That the mayor and councilmen, before entering upon the duties of their offices, shall take the following oath before the councilmen, or any person authorized by law to administer an oath, to-wit: "I do solemnly swear, (or affirm, as the case may be,) that I will well and truly, and to best of my knowledge and ability, execute and discharge the duties of mayor (for mayor) and councilman (for councilman) of the town of Columbia, without favor or partiality, so help me God."

Meetings SEC. 10. *Be it further enacted*, That said mayor and councilmen shall have stated monthly meetings fixed by ordinance, which may be adjourned from time to time; and these deliberations shall always be open to the public.

Subordinate of-
ficers. SEC. 11. *Be it further enacted*, That the board of mayor and councilmen shall, at the first meeting after their election, elect a marshal, an assessor and collector of taxes, and such other officers as they may deem necessary for the protection and good government of said corporation, and may then fix and allow each one respectively, as also the mayor, such compensation for their services as may be reasonable and just. All or any of said officers may at any time, by a vote of two thirds of the board, be removed from office, upon due notice of not less than five days given such officer, and upon evidence of acts of intemperance while on duty, or for malfeasance or misfeasance in office, or for any act involving moral turpitude.

SEC. 12. *Be it further enacted*, That the same person may be elected to two offices in said town; and the board of mayor and councilmen are empowered to fill all vacancies. The term of each officer shall expire and end with the term of each board, and when his successor is elected.

Taxes. SEC. 13. *Be it further enacted*, That the mayor and councilmen of the town of Columbia, shall have power to levy, and collect annually, a tax on all real estate

and personal property within the corporate limits of said city, not to exceed in amount one-half of one per cent. in the value thereof, as assessed for State purposes; *Provided*, They shall have the further power to levy and collect a special tax for special purposes on the said real and personal property, not to exceed in amount one-fourth of one per cent. on the value thereof as assessed aforesaid annually; and may also levy and collect a poll tax annually in said town, not exceeding the State poll tax, as now fixed by law. The said mayor and councilmen shall fix the amount of the tax for each year.

SEC. 14. *Be it further enacted*, That the tax on real and personal property shall be levied in proportion to the value thereof, according to a valuation and assessment to be given by the owner, or his or her agent, under oath, or made by the assessor of the town when said owner fails, neglects, or refuses to give in and value his property. Taxes

SEC. 15. *Be it further enacted*, That the mayor and councilmen shall have power to levy and collect taxes on the sale of goods, wares, and merchandise, which shall be assessed at the same time and place as the assessment of real estate; and shall have power to collect taxes on all auction and commission sales of goods, wares, merchandise and live stock.

SEC. 16. *Be it further enacted*, That the mayor and councilmen of said town shall have power to require each and every male inhabitant who may live or may have lived for ten days preceding the notice, to work on the streets and highways of said town, not exceeding ten days in each year; *Provided*, Said male inhabitant is within the same age as that required by the State laws for working on public roads and highways; and may enforce the aforesaid duty by the same penalties as prescribed by law for failure to work on the public roads after warning. Work on streets.

SEC. 17. *Be it further enacted*, That the mayor and councilmen may exempt, at their discretion, from working the streets and highways, all persons living within the corporation, liable by law to work on roads and highways, and require of such persons to pay an additional poll or street tax, not exceeding two dollars a poll on each one liable to work by law; and they are authorized to levy and collect such additional poll tax Street tax.

annually, and it shall be assessed at the same office and at the same time and place of the annual assessment of said town.

Judgments.

SEC. 18. *Be it further enacted*, That all the taxes levied by the mayor and councilmen of said town, and assessed as provided by this act and the ordinances of said town, shall have the force and effect of a judgment at law against each individual so assessed, and also against the real estate assessed to all owners unknown, and the lien of said judgment shall be of the same force and effect as if it had been recovered in the circuit court of the county of Henry; *Provided*, That no property shall be exempt from sale to pay taxes so assessed in said town.

SEC. 19. *Be it further enacted*, That within sixty days after the assessor shall have completed the list of assessments and valuations, and the same shall be, if necessary, corrected by the mayor and councilmen, to be judged of by them, the mayor shall issue his warrant, annexed to the tax list, to the collector of the corporation tax, which shall be his authority to collect the same.

Collection of taxes.

SEC. 20. *Be it further enacted*, That it shall be the duty of the tax collector to give thirty days notice, in some newspaper published in said county, that the corporation taxes for the year, (or the particular tax, as the case may be,) are requested to be paid to him, on or before a day certain and specified; and if the same shall not be paid, to levy on the personal estate of the individual or the corporation assessed, and to sell the same, or so much thereof as shall be sufficient to pay the tax assessed, and two dollars as costs, and to the tax collector for the levy and sale, together with the cost of advertising said sale in some newspaper published in said county, giving the day and place thereof, at least five [days] prior thereto.

Tax sales.

SEC. 21. *Be it further enacted*, That if any real estate be assessed, either to persons known, or to owners unknown, and the taxes or dues thereon remain unpaid for sixty days from the time when the said taxes or dues are required to be paid, then the tax collector shall give notice, by advertisement in some newspaper published in the county of Henry, for three successive weeks, describing the lot, or part, or parts

of same, by number or otherwise, on which said tax was levied, and give the name of the person to whom assessed, or state that the owner is unknown, and that amount of tax is due on same property, and for what year or years it is due; and shall also state that the tax collector will, on a certain day, at some place within said town, proceed to sell each of said lots upon which the taxes and dues shall not be paid, or so much thereof as will be sufficient to satisfy the taxes assessed, and two dollars as costs for advertising and making a deed to the purchasers at said sale; and the tax collector shall have power to execute said deeds to the purchaser.

SEC. 22. *Be it further enacted*, That any lot of land or real estate which may be sold for taxes in the town of Columbia, may be redeemed within two years from the day of sale, by any person interested therein, who will deposit with the town secretary, for the use of the purchaser, the amount of purchase money, including all costs of advertising, selling and making deed, and recording the same, with twenty per cent. per annum interest, together with all taxes which may be due to the town on said property; and upon such deposit, if made within two years from the day of sale, the title created by the sale and deed to purchaser hereinbefore provided shall cease and determine. Redemption.

SEC. 23. *Be it further enacted*, That the mayor of said town is a conservator of the peace within the corporate limits thereof, and it is his right and duty to suppress all affrays, note unlawful assemblies, all loud, indecent, profane, boisterous, riotous, or disorderly conduct in any public place therein; to do which he may summon to his aid as many of the male inhabitants residing in the corporation as he may think proper; he shall have full power to punish for contempt, in the same manner and under the same rules and regulations prescribed by the Code of Alabama, in reference to the punishment for contempt by justices of the peace; he has full power to try all offenses against the ordinances and laws of the corporation, without regard to the amount of the fine or forfeiture, and to punish the offender both by fine and imprisonment, in the manner prescribed by the ordinances of said town. Powers of mayor.

SEC. 24. *Be it further enacted*, That the mayor and councilmen shall have power to suppress houses

Powers of
board

of ill fame, to restrain, prohibit and punish every species of vice and immorality, all disorderly conduct, affrays, assaults and batteries, and all other breaches of the peace, within the corporate limits; to license, restrain, and regulate billiard tables, ten-pin alleys, pool tables, and all other tables and gaming of like kind, and to cancel and annul the same, and all other licenses granted by said corporation; to restrain and prohibit racing and cock-fighting, and gaming of every description, within the corporate limits, and in general to suppress, restrain, prohibit and punish all acts, assemblages, or things, within said corporate limits, injurious to the public health or morals, or endangering the peace and good order of said town.

SEC. 25. *Be it further enacted*, That the mayor and councilmen shall have power to declare nuisances, and to suppress, abate and remove them when so declared; to establish night watches, patrols and guards; to erect lamps, and to protect, by adequate penalties, shade and ornamental trees in said town.

SEC. 26. *Be it further enacted*, That said mayor and councilmen shall have power to license and restrain the retailing of spirituous, vinous, and malt liquors in said town; and they may provide for annulling said license on complaint and proof of the abuse thereof.

SEC. 27. *Be it further enacted*, That said mayor and councilmen shall have power to repair streets, drains, landings, and to pass laws for keeping them in repair; also to widen, change, or make of uniform width, any streets now open, and to open new streets in said town, and to remove and prohibit encroachments on streets now opened; and the statute of limitations shall not prevail in any plea of adverse possession, when encroachments have, or may hereafter be made; that in opening of any new street, or changing of any street now open as laid down in the plan of said town, the said mayor and councilmen shall be controlled and governed by sections 1868, 1869, 1870, 1871, 1872, 1873, 1874, 1875, 1876, and 1877 of the Code of Alabama, so far as they can be made applicable to cases; and the said mayor and councilmen shall be entitled, for said town, to all rights and privileges granted in said sections to private corporations.

SEC. 28. *Be it further enacted*. That the mayor and

councilmen shall have power to remove the unsafe buildings which may be adjudged dangerous to the persons or property of the citizens, and cause the same to be taken down: *Provided*, Just and reasonable compensation is made to the owner for all actual damage he may sustain.

SEC. 29. *Be it further enacted*, That the mayor and councilmen shall have power to cause all vagrant, idle, disorderly or dangerous and suspicious persons, all persons of evil life, or ill fame, and all such as have no visible means of support, or are likely to become chargeable to the town as paupers, or are found begging or drunk in or about the streets, alleys, or retail liquor houses; also all who are grossly indecent in language or behavior, and all prostitutes, leading a notoriously lewd life, to be punished by fine, and to give bond and security for their good behavior for a reasonable time; and in case of their refusal or inability to give such bond, shall punish them by fine, imprisonment, or hard labor for the town, for a term to be fixed by ordinance of said board.

SEC. 30. *Be it further enacted*, That the marshal of said corporation, in addition to his other powers, has full authority to execute all the lawful ordinances, resolutions and by-laws and orders of the corporate authorities within their jurisdiction, and must, without warrant, arrest all offenders breaking the peace, or violating any ordinances of the town, and bring them before the mayor, or admit them to bail, to appear and answer at a time named; and for the purpose of executing his powers and duties, he may summon to his aid as many of the male inhabitants, residing in the corporation, as may be necessary: *Provided*, That any arrest without a warrant shall only be for offenses committed in the presence of such marshal; and in all other cases he shall have a warrant.

SEC. 31. *Be it further enacted*, That the mayor of said town has authority and power to issue his warrant or summary for the receiving of all fines and forfeitures, assessments, and other causes of action occurring by virtue of this charter, or under the by-laws and ordinances of said corporation, and to render judgment and issue executions thereon; and the marshal of the corporation is hereby authorized to execute, within the

Hard labor.

corporation, all process directed to him from said mayor, or mayor and councilmen.

SEC. 32. *Be it further enacted*, That in all cases of default made in the payment, or securing the payment of any fine or forfeiture assessed against any person, and judgment given by the mayor, or any authority of the town of Columbia, or by reason of any by-law, or in the execution of any ordinance of said town, the mayor or other officer presiding shall have the right and power to require the party thus being in default to labor on the public streets, or such other works of said town, as the mayor or officer presiding may direct, for a time not exceeding thirty (30) days, at the discretion of the officer presiding; or the person may be committed to the county jail for a period not exceeding thirty (30) days.

SEC. 33. *Be it further enacted*, That the mayor and councilmen of said town of Columbia may require any or all officers to give bond, with good security, to be approved by the board, before entering upon the discharge of their duties. The mayor and councilmen may provide summary remedies, by notice or otherwise before the mayor, against the officers of said corporation and their sureties for any official default or neglect.

SEC. 34. *Be it further enacted*, That all laws and parts of laws contravening the provisions of this act, and especially "An act to incorporate the town of Columbia, Henry county, Alabama," approved January 28, 1870, be, and the same are, hereby repealed.

Approved March 1, 1881.

No. 312.]

AN ACT

[H. B. 960.]

To amend section three (3) of an act entitled "An act to amend sections two, seven, thirty-eight, thirty-nine, forty, forty-five, forty-six, forty-seven, forty-eight, forty-nine, fifty, fifty-one, and fifty-four of the charter of the city of Selma," approved February 12, 1879.

SECTION 1. *Be it enacted by the General Assembly of*

Alabama, That section three (3) of an act entitled "An act to amend sections two, seven, thirty-eight, thirty-nine, forty, forty-five, forty-six, forty-seven, forty-eight, forty-nine, fifty, fifty-one, and fifty-four of the charter of the city of Selma," approved February 12, 1879, be amended so as to read as follows: That section thirty-eight of the charter of the city of Selma be amended so as to read as follows: The mayor and councilmen of the city of Selma shall have power to levy taxes on real and personal property, capital employed in any business carried on in said city, auction sales, and sales of merchandise, gross amounts of commissions or sums received during the preceding years for each tax year, by any factor, commission merchant, broker or buyer, on the gross receipts of each and every business, trade, or occupation conducted within, or derived from, a business carried on in said city, or partly carried on in said city, and on all salaries, whether received from a public office or private employment, after deducting the expenses of carrying on such business, trade, occupation, or employment; *Provided*, That no tax shall be levied upon sales under judicial proceedings, or by guardians, executors, or administrators, or sales of property under deeds of trust or mortgages; *Provided further*, That when capital employed in business is invested in goods, wares, or merchandise, a tax shall not be levied upon the capital and at the same time upon the property in which the same is invested; that it shall not be lawful to impose a double tax upon any subject of taxation; that the mayor and council shall have the power to exempt from taxation a sum not exceeding one thousand dollars in favor of the heads of families, when the same is derived from salaries, commissions, personal services, mechanical or manual labor; every person liable to pay the tax upon sales at auctions and merchandise sales shall, on or before the fourth day in every month in each year, give in, under oath, to the city clerk the gross amount of sales of the preceding month; and thereupon, the tax collector shall collect the tax so levied by the mayor and council upon such sales; and the mayor and council may provide and enforce such penalties as they may deem necessary for the enforce-

Sections amended.

Taxes.

Proviso.

Exemptions.

Collection of taxes.

ment and collection of such taxes of such persons as fail to report the sales of the preceding month, as above provided.

SEC. 2. *Be it further enacted*, That section three (3) of said act as it now is, be, and the same is, hereby repealed; *Provided*, That nothing herein contained shall affect the collection of street tax therein provided for, for the tax years 1879-80 and 1880-81 of said city.

Approved February 28, 1881.

No. 313.]

AN ACT

[H. B. 582.]

For the relief of the National Bank of Birmingham, Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama.* That the Treasurer of the State is hereby authorized and required to pay to the national bank of Birmingham the sum of one hundred dollars, out of the fund appropriated to pay the interest on the bonded debt of the State, the said sum being the amount due said national bank of Birmingham, as interest on certain bonds of the State of Alabama, and which said interest was represented by coupons, as follows, viz: Ten (what is known as the July, 1878,) coupons of the State of Alabama, class "A" bonds, numbers 5397, 5398, 5399, 5400, 5401, 5402, 5403, 5404, 5405, and 5406, for \$10.00 each, which said coupons were lost in the mail while in *transitu* to the city of New York, on or about the 28th June, 1878.

SEC. 2. *Be it further enacted*, That before the said Treasurer shall pay over to the said national bank of Birmingham the one hundred dollars mentioned in the first section of this act, he shall require the said national bank to enter into bond, with approved security, in the sum of two hundred dollars, payable to the State of Alabama, conditioned to protect and save the State harmless, by reason of the payment of the coupons aforesaid, said bonds to be approved by the Treasurer, and filed in his office.

SEC. 3. *Be it further enacted*, That it shall be the duty of the State Treasurer to notify the fiscal agent of the

State Treasurer to pay certain sum to bank.

Bond required from bank

State in New York, if there is such officer or agent, of the payment of said coupons.

Approved February 28, 1881.

No. 314.]

AN ACT

[s. 223.

To amend section nine of the charter of the town of Auburn, in Lee county, Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section nine of the act to incorporate the town of Auburn, in Lee county, Alabama, approved February 23, 1875, be, and the same is, hereby amended so as to read as follows: Sec. 9. *Be it further enacted*, That it shall not be lawful for any person, within the corporate limits of the town of Auburn, to sell, barter, give away, or deliver to another, any vinous, malt, spirituous, or fermented liquors, or any intoxicating bitters, or intoxicating beverages, or any fruit preserved in spirituous liquors, except upon the *bona fide* written prescription of some reputable practicing physician, made in the course of his regular practice; and the corporate authorities of said town shall have authority to punish any person who violates the provisions of this section, by a fine of not less than twenty dollars and not more than one hundred dollars, and also by imprisonment in the guard house or prison of the town for not less than ten nor more than thirty days, or said authorities may, in lieu of said punishment by imprisonment, sentence such offender to hard labor on the streets of said town for not more than thirty days.

Section as amended

Approved March 1, 1881.

No. 315.]

AN ACT

[s. 233.

To amend the charter of the town of Gainesville, in Sumter county, Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the western boundary of said town be

Western bound-
ary.

amended, changed and extended, so as to read as follows: Beginning at a point where West street intersects Noxubee street; thence along the western line of said street, to its intersection with Pine street and its termination; thence along the extension of the same line, to its intersection with the section line between sections two (2) and three (3), T. 21, range two (2), west; and thence along said line, to its intersection with the center line of section eleven (11) at the south-westerly corner of the present corporation.

Survey estab-
lished.

SEC. 2. *Be it further enacted*, That the survey laying off the land into streets, blocks and lots enclosed in the following boundaries, to-wit: Beginning at the southerly side line of said town, and on the easterly side line of State street, at the point where they connect, and running on the easterly side of State street northerly to the north side of Spence street, thence westerly by Spence street to the southwest corner of block No. 39, be, and the same is, hereby established.

SEC. 3. *Be it further enacted*, That an act of the General Assembly of the State of Alabama, approved November 26, 1864, and numbered 148, be, and the same is, hereby repealed.

Approved March 1, 1881.

No. 316.]

AN ACT

[s. 351.

To amend section 25 of "An act to establish a new charter for the city of Opelika," approved March 19, 1873.

Section amend-
ed as to taxa-
tion.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 25 of said charter, be so amended as to read as follows, to-wit: Section 25. That between the 15th day of March and the 1st day of June of each and every year, an assessment shall be made by the clerk of said city of all the taxable property therein, which assessment shall be based upon the value of such property, as the same was assessed for State taxation during the preceding year, and at a rate not inconsistent with the constitution and laws of this State and in the event any person, occupation or

property escapes State taxation for the preceding year, or has begun business, or become taxable since the last assessment of State taxes, then such clerk shall assess the same at what he believes to be its true value and likewise to assess all property, persons, or occupations, not listed, and all property, when the owner may not be known. Upon the return by the clerk of the assessments hereinbefore provided for, the mayor shall cause at least ten days notice to be publicly given at the post office, and three other public places, and in the newspapers, that the assessments for the current year are closed, and shall in said notice appoint a time when the council will proceed to hear and determine all complaints which may be made against such assessments on behalf either of said city, or of the tax payers, and to correct such tax lists and supply all omissions or deficiencies; and when the same has been passed upon by said council and certified by the mayor, the said assessments shall have the force and effect of a judgment, and execution may be issued thereon by the clerk, and levied and collected by the marshal of said city; *Provided, however,* That said city council shall not correct any tax list by raising the valuation of the property therein, or by adding property thereto, without first giving the owner of such property, when known, at least five days personal notice that he may appear and show cause against such order.

Correction of
assessments.

Approved March 1, 1881.

No. 317.]

AN ACT

[s. 330.

To amend "An act to authorize the city council of Greenville to levy and collect certain license taxes therein named for the use and benefit of the city of Greenville."

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That an act entitled "An act to authorize the city council of Greenville to levy and collect certain license taxes therein named for the use and benefit of the city of Greenville," approved on the 13th day of February, 1879, be amended so as to read as follows:

Licenses.

That the city council of Greenville is hereby authorized to levy and collect annually the following license taxes: (1) On each fire insurance company doing business by an agent within the corporate limits of said city, a license not exceeding twenty-five dollars; (2) on each life insurance company doing business by an agent in said city, a license not exceeding twenty-five dollars; (3) on every cart, dray, wagon, or other vehicle used principally for the transportation of goods and commodities within the limits of said city, for hire, a license not exceeding twenty dollars; (4) on every retailer of spirituous liquors within the limits of said city, a license not less than one hundred dollars nor more than five hundred dollars; (5) on each huckster doing business in said city, a license not exceeding ten dollars; (6) on each keeper of a barber shop, a license not exceeding five dollars; (7) on each peddler on any article within the limits of said city, not exceeding fifty dollars; (8) on each auctioneer of goods, wares, or merchandise of any kind or description within the limits of said city, not exceeding two hundred dollars; (9) for each exhibition of a circus within the limits of said city, a license not exceeding one hundred dollars; (10) on all other business or employment, authorized by the revenue laws of the State to be licensed, a license not exceeding the amount of the State license for the same business.

Sec. 2. *Be it further enacted*, That all laws and parts of laws, in so far as they conflict with the provisions of this act, be, and the same are, hereby repealed.

Approved March 1, 1881.

No. 318.]

AN ACT

[H. B. 605.]

To incorporate the Alabama Central Mining and Manufacturing Company.

Board of
cor- porators.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That Edward Prescott, David L. Evans, Jesse C. Conner, Archer N. Martin, Thomas F. Greene, their associates, successors and assigns, be, and they are,

hereby constituted a body politic and corporate, under the style and title "Alabama Central Mining and Manufacturing Company;" by this name to sue and be sued; to plead and be impleaded, in any court of this State, or court of the United States government; to have and to use a common seal, alterable at pleasure; which said corporation is hereby invested with all the rights, privileges and immunities which are named and granted in this act, as well as with such implied rights, privileges and immunities as may be necessary to carry into effect the purposes and objects of this act, hereinafter set forth.

SEC. 2. *Be it further enacted*, That the purposes and objects of this corporation, hereby created, are: The mining and selling of coal, and of iron ores, limestone, and other materials needed by iron and steel manufacturers; and the manufacture of iron and of steel from the crude ores, as well as the finer qualities of iron and steel from the inferior grades; including, also, the making of car wheels, of iron and of steel rails, for railway tracks; also, of coke and charcoal; and the manufacture of cotton into yarns and cloths; and, as incidental to the objects and purposes named, the construction and maintenance of a railroad, with single or double track, of any width desired, with such branch railroads (no one of which shall exceed fifteen miles in length) as this corporation may deem needful; and the control and operation of said railroad and branches, with the restrictions and immunities hereinafter named and set forth.

SEC. 3. *Be it further enacted*, That this corporation shall have the right to purchase, construct, own and use tram-tracks, machinery, appliances and conveniences, of all sorts, that may be needed to cheaply and effectively carry on the mining and the shipping of coal, stone, and ores, and the shipping of all materials, products and freights of every kind. named or implied in this act.

SEC. 4. *Be it further enacted*, That this corporation shall have the right to purchase, construct, own, use, and do all things lawful which may be needed to enable it skillfully and effectively to carry on the business of manufacturing, as the same shall be authorized and provided for in this act; *Provided*, That not more than

two millions of dollars shall be employed for this purpose; *And provided*, Its manufactories shall be located on, or within three miles of, the railroad and branches authorized in this act to be built and operated.

SEC. 5. *Be it further enacted*, That this corporation shall have the right to purchase, construct, or hire, and to use, transports or water crafts, of any and all kinds, on the navigable waters of this State, in the transportation of its coal and of its iron, steel and other manufactured, products, and of all the machinery, appliances, outfit, equipments, necessities, provisions, merchandise, and all other things which may be needed by this company, for its own use and that of its employees; that power, also, is hereby given to said corporation, to contract with other parties, or with corporations, to transport for it, any thing which it may desire to have transported.

May construct
railroads.

SEC. 6. *Be it further enacted*, That the corporation hereby created shall have all needed powers to construct, own and maintain, (or hire others to maintain,) a railroad with branches as aforesaid, located so as to connect the Alabama river, at some point in, or near, the city of Selma, with the head-waters of the Black Warrior river, at or near the town of Jasper, in the county of Walker. It is, however, made optional with this corporation, whether it will directly connect together its said termini, or build said railroad from Montevallo, on the Selma, Rome and Dalton railroad, thence to its northern terminus aforesaid; *Provided*, That this company shall always hold, and at any time may exercise, the right to extend this railroad to its said southern terminus, by connecting with another railroad running into the city of Selma, or by building it directly and continuously to its said southern terminus.

Railroad.

SEC. 7. *Be it further enacted*, That this company shall have the right to equip said railroad and branches, and to operate them in transporting its own freights of any and all kinds necessary to cheaply and effectively accomplish the purposes for which it is created; and said company, so far as such railroad is concerned, shall be a common carrier.

SEC. 8. *Be it further enacted*, That this corporation shall have the right to lease its railroad or branches to

a company of individuals, or to another corporation, to be used in carrying freights and passengers as a common carrier; that if said corporation shall carry freights and passengers for the public, receiving compensation therefor, that the said company shall be under the control of the general laws of the State governing common carriers operating railroads.

SEC. 9. *Be it further enacted*, That in relation to the location, construction, maintenance and operation of said railroad and branches, as also in relation to the acquirement and use of the real estate which may be necessary for said railroad and branches, the general laws of Alabama as to railroads shall be in force, except as they shall be contravened and superseded by the provisions of this act.

SEC. 10. *Be it further enacted*, That this company shall have power to lawfully contract with corporations, with partnerships, or with individuals, in respect to its business, the same as other corporations usually do in this State; and that it shall have the right to buy and sell goods, supplies, and merchandise generally, at or near its mines or manufactories. Contracts.

SEC. 11. *Be it further enacted*, That the capital stock of this company shall not exceed five (5) millions of dollars, including the two millions to be used in manufacturing as aforesaid. Each share of stock, par value, shall represent one hundred dollars, and shall be transferable in such manner as the board of directors, or the by-laws of the company may direct. Capital stock.

SEC. 12. *Be it further enacted*, That the persons named in the first section of this act be, and they are, hereby constituted a board of directors for this corporation, until their successors are elected; that within sixty days after the sum of one hundred thousand dollars shall have been subscribed to the stock of this company—stock at par value—under the supervision and control of this board of directors, the said board shall give due notice of the time and place (selected by themselves) for the holding of an election (by the subscribers for stock), to elect a new board of directors; said election to be holden on a day not less than ten nor more than twenty days from date of said notice. Each subscriber for stock shall be entitled to cast one vote for each one hundred dollars subscribed, in the Board of directors.

election of this new board of directors; that on the election of this new board of directors, it shall, within a reasonable time, elect one of its number president of this company; and it shall elect a secretary and a treasurer, (in the person of one or two individuals, who may or may not be members of the board of directors), and otherwise fully organize this company, and proceed to accomplish its objects and purposes.

Election of
board.

SEC. 13. *Be it further enacted*, That there shall be called and held an annual meeting in each calendar year (after the first election of directors as named in foregoing section) of the stockholders of this company, to be held in this State; which said meeting shall be called by the board of directors, notice to be given as required by the laws of Alabama; that at these annual meetings of the stockholders, the board of directors shall be elected, who shall hold office until a new board is elected; that the directors shall have power to call a meeting of the stockholders at any time when they may deem it necessary, giving due notice. In all the meetings of the stockholders, each share of stock shall entitle the holder thereof to cast one vote, which may be cast in person, or by proxy. A majority of all the shares of stock, outstanding or entitled to representation, must be necessary to constitute a quorum for the transaction of business other than that of adjournment to a day, or without day; that the holder of as much as twenty-five (25) per cent. of the stock outstanding of this company shall have the power to call a meeting of the stockholders, in case the president shall refuse to ask the board of directors to call it, or in case the board shall refuse to call it, when it has been requested to do so by the holders of as much as twenty-five per cent. of stock outstanding; *Provided*, This request has been presented in writing to the president of the company by not less than five stockholders, giving their reasons for desiring such meeting; in which case, due notice must be given by the stockholders calling such meeting, and in this notice must be stated the purpose of said meeting; *And provided also*, That such meeting shall not have power to act on any other business than that for which it has been duly called.

SEC. 14. *Be it further enacted*, That in case it shall happen that no election of directors has been held on

an appointed day, this corporation shall not, for that cause, be dissolved; but the election may be held on any day thereafter which may be designated, and which shall be duly advertised by the board of directors; that the board of directors shall have power to fill vacancies in the directory which may occur from any cause. It shall also have power to make by-laws, rules and regulations for this company, which may be altered or repealed by action of a stockholders' meeting. The board of directors may suspend or remove the officers, agents, or employees of the company, or it may authorize the president to suspend or remove any of the company's agents or employees.

SEC. 15. *Be it further enacted*, That the immediate government and direction of this company's affairs shall be, and they are, vested in a board of directors, which shall be composed of not less than five nor more than nine persons. The directors shall hold office until their successors are elected; they shall elect some one of their number president of this company, and may elect such other officers, and employ such agents or employees (or authorize the president to do so) as they shall think proper, unless otherwise ordered by action of a stockholders' meeting.

SEC. 16. *Be it further enacted*, That the board of directors of this company shall have power to issue and to sell the company's stock and bonds; *Provided*, That a three-fifths vote of all the stock issued and sold shall authorize the issuance and sale of said bonds of any kind; that the price of stock or bonds may be fixed by action of a stockholders' meeting, or it may be left by such meeting with the board of directors to fix the price, and terms of sale, of each parcel of stock or bonds put on sale, from time to time, subject always to the restrictions of the laws of the State; that the usual powers pertaining to a board of directors, not inconsistent with this act or with the general laws of Alabama, shall belong to the board of directors of this company.

SEC. 17. *Be it further enacted*, That this corporation shall have the right to purchase, lease, hold, own and use, as many as fifty thousand acres of lands, fee simple, and mineral rights in as many as twenty thousand acres at any one time. It shall also have the right to rent or

lease out, or sell its lands, or the minerals therein, or the timber thereon.

SEC. 18. *Be it further enacted*, That stock or lands of this company may be paid for in money, materials, labor, machinery, provisions, lands, or anything else needful for the company to own or use; *Provided*, That the board of directors shall authorize the acceptance of other things than money; the price of which things shall be satisfactory to said board.

SEC. 19. *Be it further enacted*, That this company shall keep its legal office at some place in this State; which place may be changed, within the State; *Provided*, That notice of such change be filed with the Secretary of State.

SEC. 20. *Be it further enacted*, That this corporation shall have the right to use or employ all lawful means to encourage and effect immigration into this State.

SEC. 21. *Be it further enacted*, That where this company shall own as much as a one-third interest in any manufacturing enterprise or business (of the kinds aforesaid), located as the manufactories of this company are required to be located, the furnishing of supplies, materials, or transportation for such enterprise or business, may be done by this company, the same as though the whole interest were owned by this company.

SEC. 22. *Be it further enacted*, That this corporation shall be voidable, if within two (2) years from the passage of this act it shall not have expended as much as one hundred thousand dollars, in pursuance of the provisions of this act.

Approved March 1, 1881.

No. 319.]

AN ACT

[H. B. 589.]

To repeal that portion of section 499 of the Code of Alabama which limits the power of cities and towns to impose license taxes, so far as the same relates to the towns of Tuskegee and Evergreen and the city of Greenville.

SECTION 1. *Be it enacted by the General Assembly of*

Alabama. That that part of section 499 of the Code of Alabama which reads as follows: "But no city (except Mobile, Montgomery, and Selma), or town, or county, shall assess, levy, or collect any license tax on any business or occupation upon which the State does not assess, levy, or collect such license tax," be, and the same is, hereby repealed so far as the same relates to the town of Tuskegee, in Macon county, the town of Evergreen, in Conecuh county, and the city of Greenville, in Butler county.

Approved March 1, 1881.

No. 320.]

AN ACT

[s. 366.

To authorize the corporate authorities of the city of Birmingham to borrow money to erect a market house and city prison, and for sanitary purposes, and to issue bonds for the payment of the same.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the corporate authorities of the city of Birmingham, in the county of Jefferson, be, and they are, hereby duly authorized and empowered to borrow and expend not exceeding the sum of ten thousand dollars, for the purpose of, and to be applied exclusively in, the erection of a market house and prison in said city. Market house.

SEC. 2. *Be it further enacted,* That for the payment of said sum, and to carry out the power and authority granted in section one of this act, the said corporate authorities be, and they are, hereby authorized to issue the bonds of the city, to be known and designated as "market house bonds," for not exceeding ten thousand dollars, to run not longer than ten years, and to bear interest at not more than eight per cent.; that said bonds may be issued in sums of one hundred dollars or more, as said authorities may see fit; that said bonds, when issued, must be signed by the treasurer of the city and countersigned by the mayor, and the same shall have attached thereto coupons signed and numbered to correspond with said bonds, setting forth the amount of interest, and when due, and where payable; that said bonds shall not be sold by said corporate Bonds.
Style of bonds.

authorities for less than ninety cents in the dollar; that the said bonds and coupons shall be receivable for all dues to said city.

Mortgages.

SEC. 3. *Be it further enacted*, That for the better security of the payment of said bonds at maturity, the said corporate authorities may execute to trustees, or in such manner or form as may be deemed best for the city, a mortgage upon the real estate upon which the said buildings are to be erected, and upon the buildings so erected, and may also pledge for this purpose the rents, income, and profits arising from said buildings; and said mortgage may be signed and executed by the mayor in such manner as the board may direct.

Disposition of profits of market house.

SEC. 4. *Be it further enacted*, That the rents, income, and profits arising from said buildings shall be received and kept separate and apart from the rest of the general revenues of said city; and such rents, incomes, and profits shall, at least once in each year, be applied exclusively: first, to the payment of the interest then due upon said bonds, and the balance shall be applied to the payment of the principal; and the said corporate authorities shall guard this section.

Sanitary provisions.

SEC. 5. *Be it further enacted*, That the said corporate authorities, in addition to the authority above granted, be, and they are, hereby authorized to borrow a sum of money, not exceeding thirty thousand dollars, to be expended and applied exclusively to the proper and necessary drainage of said city, and for sanitary purposes.

Sanitary bonds.

SEC. 6. *Be it further enacted*, That in payment of said sum, and to carry out fully the power and authority granted in section five of this act, the said corporate authorities be, and they are, hereby fully authorized to issue bonds of the said city in amount not exceeding thirty thousand dollars, to be known and designated as "sanitary bonds," with coupons attached, signed and numbered to correspond with said bonds, showing the amount of interest, and when payable; said bonds to run not longer than twenty (20) years, and to bear interest at not more than eight per cent., to be issued in such form and manner as the board may direct, and in sums of not less than one hundred dollars; that the corporate authorities shall not issue, in any one year, more than ten thousand dollars of said bonds as author-

ized and issued under this section; *And provided further*, That none of said bonds shall be sold or hypothecated by said corporate authorities for less than ninety cents in the dollar.

SEC. 7. *Be it further enacted*, That to meet the interest and principal at maturity upon any or all of the bonds issued under authority of this act, the said corporate authorities shall, and it is hereby made their duty to set apart out of the general revenues of said city, each year, an amount as a sinking fund, to meet and pay off the principal and interest upon said bonds at maturity, and to retain the same. Sinking fund.

SEC. 8. *Be it further enacted*, That said corporate authorities shall have power and authority to do and carry out fully all of the powers granted in this act, either by themselves or by their agents duly (by them) appointed; and no technicality, informality, neglect, or omission in the proceedings of said board, or the records thereof, shall in any way affect the validity of said bonds or coupons issued under this act, or any rights of the purchasers of the same; but said bonds and coupons shall have all the properties and protection of commercial paper, and said bonds and coupons shall be receivable for all dues to said city. Corporate powers.

SEC. 9. *Be it further enacted*, That all bonds issued under this act shall be sold only for cash, and the money raised by the sale or negotiation of said bonds shall be paid to the contractors who do the work, to pay for which the bonds are issued. Sale of bonds.

Approved March 1, 1881.

No. 321.]

AN ACT

[s. 285.]

To regulate the practice in the circuit courts in the county of Barbour.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the civil docket in the circuit court of Barbour county, held at Clayton, shall be taken up during the first week of the term, and the criminal docket shall be taken up during the second week of the term. Civil docket at Clayton.

Civil docket at
Eufaula.

SEC. 2. *Be it further enacted*, That the civil docket in said court, held at Eufaula, shall be taken up during the first week of the term, held at Eufaula, and the criminal docket shall be called on the second week of the term.

Cases in
Eufaula court.

SEC. 3. *Be it further enacted*, That in all civil cases brought to and for trial in the court at Eufaula, where summons and complaint have been executed twenty days before the time for the holding of said court at Eufaula, such causes shall stand for trial at the first term; and all proceedings for summary judgments and trials of right of property shall stand for trial at the first term.

Cases in Clay-
ton court.

SEC. 4. *Be it further enacted*, That in all civil causes standing for trial in said court at Clayton, the defendant must, within the first three days of the term, plead or demur to the complaint, and the replication must be filed within three days thereafter, unless the time be enlarged or curtailed by the court; and in all civil causes standing for trial in said court at Eufaula, the defendant must, within the first three days of the first week of the court held at said place, plead or demur to the complaint, and the replication must be filed within three days thereafter, unless the time be enlarged or curtailed by the court.

Civil cases may
be tried in sec-
ond week.

SEC. 5. *Be it further enacted*, That nothing contained in this act shall be held to prevent the trial of civil cases during the second weeks of the said courts at Eufaula and Clayton, if the judge presiding so order; and if the business of the court at Eufaula, civil and criminal, is not disposed of during the first two weeks of the term held at said place, the court may be continued for the trial of causes until the business is disposed of.

Approved March 1, 1881.

No. 322.]

AN ACT

[s. 448.

To amend "An act to incorporate the city of Tusculumbia," approved December 14, 1865.

SECTION 1. *Be it enacted by the General Assembly of*

Alabama. That section five (5) of an act entitled "An act to incorporate the city of Tuscumbia," be amended to read as follows: Section 5. *Be it further enacted,* That the election of aldermen shall be on the first Monday in April of each and every year; at which election five aldermen shall be elected by the qualified voters of said city, one alderman from each ward, and one from any portion of the city at large, who shall elect from among themselves a mayor, making the corporate authorities to consist of one mayor and four aldermen, who shall hold office and discharge the duties of mayor and aldermen until their successors are duly elected and qualified; and the board of mayor and aldermen shall direct and superintend said elections, and shall have power to prescribe the mode in which all elections shall be conducted, the mode of returning and counting the votes; the votes to be returned to the existing mayor, and by him laid before the board to be examined and counted, and shall have full power to determine all matters in relation to elections, and be judges of the same; *Provided, however,* That no member of the board who is a candidate for re-election shall act to hold or conduct or judge thereof. And the sheriff of the county shall appoint disinterested citizens of said city to act and discharge the duties of judge and holder of the election, who shall act therein in lieu of the member or members disqualified by reason of his candidacy. And the mayor and aldermen shall have power to elect a secretary, treasurer and constable, from time to time, as they shall see fit, and discharge them at their discretion, and shall have power to fix the fees and salaries of secretary, treasurer and constable, and to impose on them such fines for neglect of duty in office, not exceeding fifty dollars, as they may deem necessary. In case of temporary disability of said officers, the said mayor and aldermen shall be empowered to appoint substitutes in their places until their disability be removed. The said mayor and aldermen are also empowered to lay such fines, not exceeding fifty dollars, for breach or breaches of their by-laws or ordinances, as they may deem proper, and to enforce and collect the same in such manner as may be prescribed by ordinances, by execution against

Election of
board of alder-
men and
mayor.

Subordinate
officers.

Fees.

the person or property, or committing to jail, as they may deem necessary or proper; which fines shall be paid into the city treasury; and the mayor and aldermen shall have power to build a city jail for said city. The fees of the mayor shall be as follows: For complaint made before him, 25 cents; for issuing warrant of arrest, 50 cents; for issuing search warrant, 75 cents; for each bond or undertaking of the accused, 50 cents; for each bond or undertaking of witness, 25 cents; for issuing each subpoena or notice, 25 cents; for order of commitment to jail, 25 cents; for each trial of misdemeanor, \$1; for each order of continuance, 25 cents; for each judgment on forfeited bond or undertaking, 50 cents; for taking bond and certifying proceedings on appeal, \$1; for each execution for costs, 25 cents. And the said mayor and aldermen shall not vote to, or allow themselves any salaries for compensation as such, for discharge of the duties of their offices.

SEC. 2. *Be it further enacted*, That said section five (5) of said act to incorporate the city of Tusculumbia, as it now stands, be, and the same is, hereby repealed

Approved March 1, 1881.

No. 323.]

AN ACT

[s. 147.]

For the relief of John H. Edwards and Martha May, of Randolph county, and also for the relief of Daniel L. Green and Rebecca A. Wester, of Chambers county, Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the marriage heretofore solemnized between John H. Edwards and Martha May, of Randolph county, be, and the same is, hereby legalized and made valid, and they are hereby relieved from any prosecution for bigamy, adultery, or fornication, by reason of said marriage.

SEC. 2. *Be it further enacted*, That the marriage between Daniel L. Green and Rebecca Ann Wester, of Chambers county, Alabama, be, and the same is, hereby legalized, and they are exempted from all penalties for bigamy or adultery by reason of such marriage.

Approved March 1, 1881.

No. 324.]

AN ACT

[H. B. 754.]

To repeal an act entitled "An act to declare Joseph H. Harris, a liner between the counties of Chambers and Lee, a citizen of Lee county, and so change the line between said counties."

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That an act entitled "An act to declare Joseph H. Harris, a liner between the counties of Chambers and Lee, a citizen of Lee county, and so change the line between said counties," approved February 4, 1867, be, and the same is, hereby repealed.

Approved March 1, 1881.

No. 325.]

AN ACT

[H. B. 908.]

To incorporate the town of Chulafinnee, in the county of Cleburne.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the town of Chulafinnee, in the county of Cleburne, be, and the same is, hereby incorporated, and the corporate limits of said town shall extend one mile in every direction from the center of said town. Corporate limits.

SEC. 2. *Be it further enacted,* That an election shall be held in said town on the first Monday in April next, and annually thereafter, for the election of a mayor and four councilmen of said town, who shall serve for the term of one year, and until their successors are elected and qualified. Every male citizen of said town over twenty-one years of age, and who has resided in said town one month next preceding the election, shall be a legal voter for mayor and councilmen. Election.

SEC. 3. *Be it further enacted,* That the said mayor and councilmen are hereby declared and constituted a body politic and corporate by the name and style of "the mayor and councilmen of the town of Chulafinnee," by which name they and their successors in office shall be capable of suing and being sued, of pleading and being impleaded, in all manner of suits, either in law or equity, and in general to do and perform all acts which Name of body.

Powers of
board.

are usually incidental to bodies corporate; to purchase, hold, use and dispose of, for the benefit of said town, real and personal property.

SEC. 4. *Be it further enacted*, That the mayor and councilmen shall have full power and authority to pass and enforce all ordinances deemed necessary and proper to keep the peace and good order in said town; to prevent and remove all nuisances at the expense of the person causing the same; and to prohibit all vice and immorality, and to punish for the same, and all other indecencies and disorderly conduct, affrays and other breaches of the peace within the corporate limits; and generally to pass such laws and ordinances, not contrary to the laws of the State and of the United States, as they shall from time to time deem necessary and proper to carry into effect the meaning and intent of this act, and the same to enforce, alter and repeal. They may also establish a tariff of fees to be paid the officers of the corporation, in case of the violation of any ordinance and by-laws, by the defendants, on conviction, and may enforce by proper and usual process the collection of the same, or in default thereof, may imprison, or by work on the streets or other public works in said town, not exceeding thirty days, for any violation of the laws or ordinances of said town.

SEC. 5. *Be it further enacted*, That all laws and parts of laws contravening any of the provisions of this act are hereby repealed.

Approved March 1, 1881.

No. 326.]

AN ACT

[H. B. 579.]

To authorize the Auditor to draw a warrant on the Treasurer for fifty dollars in favor of Mrs. Mary F. Grisson, of Franklin county, and to authorize the commissioners court of said county to allow the said Mary F. Grisson twenty-five dollars.

SECTION 1. *Be it enacted by the General Assembly of Alabama*. That whereas, James P. Grisson, of Franklin county, did procure State and county license to sell spirituous, vinous, and malt liquors in the town of Bel-

green, in the said county, for 1881; and whereas, the said James P. Grisson died in a few days thereafter; that the Auditor is hereby authorized and required to draw his warrant on the Treasurer for fifty dollars in favor of Mrs. Mary F. Grisson, widow of said James P. Grisson, and that the commissioners court of the said county be authorized to allow the said Mary F. Grisson twenty-five dollars, to be paid out of any money that may be in the county treasury.

Approved March 1, 1881.

No. 327.]

AN ACT

[H. B. 953.

To incorporate the Fire Company "Citizens' No. 2," of Union Springs, Alabama.

SECTION. 1. *Be it enacted by the General Assembly of Alabama*, That M. C. Thomas, Norris Cowan, John Thomas, Pompey Hazzard, Mark Foster, John Mitchell, and others, their associates and successors, be, and are, hereby declared and constituted a body corporate, by the name and style of "The Citizens' Fire Company No. 2," of Union Springs, Alabama, and by that name and style may sue and be sued, plead and be impleaded, answer and be answered, in any court of law or equity in the State, and may have and use a common seal, alter and amend the same at pleasure; may have and hold real and personal property to the amount of fifteen thousand dollars, and may sell and transfer the same at pleasure. Name of corporation.

SEC. 2. *Be it further enacted*, That the members of said company and body corporate be, and they are, hereby exempted from jury and militia duty. Exemptions.

SEC. 3. *Be it further enacted*, That the company may enact such rules and by-laws for its own government as the members think proper; *Provided*, They are not contrary to the constitutions of the United States and the State of Alabama.

SEC. 4. *Be it further enacted*, That said company shall be allowed to exercise all privileges legitimately belonging to fire companies.

Approved March 1, 1881.

No. 328.]

AN ACT

[H. B. 119.]

To preserve order at the Rutledge Camp Ground, in the county of Crenshaw, Hill Chapel Camp Ground, in Montgomery county, and at Healing Springs, Washington county.

Prohibition.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That from and after the passage of this act it shall be unlawful for any person or persons to sell, give away, or otherwise dispose of, any malt, vinous, or spirituous liquors of any kind whatever, within one mile of the Rutledge camp ground, in Crenshaw county, Alabama, or of Hill Chapel camp ground, in Montgomery county, Alabama, or of Healing Springs, in Washington county, Alabama.

Rights of board of trustees and tent-holders.

SEC. 2. *Be it further enacted*, That the board of trustees of Rutledge camp ground, and the *bona fide* tent-holders of said camp ground, have the right to pass rules and regulations as they may deem proper, to preserve order, and to regulate or prohibit the sale of confections, lemonade, or to regulate or prohibit the vending of any article whatever, within one mile of said camp ground, during the time of services at said camp ground.

Marshal.

SEC. 3. *Be it further enacted*, That the *bona fide* tent-holders of said camp ground have the right to appoint a marshal or policeman, whose duty it shall be to enforce the laws of said camp ground.

Intendant.

SEC. 4. *Be it further enacted*, That the *bona fide* tent-holders of said camp ground have the right to appoint a suitable person as intendant of said camp ground, whose duty it shall be to try all offenders for the violation of the by-laws of the said camp ground.

Penalties.

SEC. 5. *Be further enacted*, That any person violating any law or by-law of said camp ground shall, upon conviction, be fined not less than one nor more than ten dollars, or be imprisoned, at the discretion of the intendant, not exceeding forty-eight hours.

SEC. 6. *Be it further enacted*, That any person violating section one of this act is guilty of a misdemeanor, and shall, upon conviction, be fined not less than fifty nor more than five hundred dollars, at the discretion of the court or jury trying the same.

Approved March 1, 1881.

No. 329.]

AN ACT

[s. 365.]

To establish a new charter for the city of Birmingham.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the inhabitants of the city of Birmingham, in the county of Jefferson, shall be and continue a body politic and corporate by the name of "The Mayor and Alderman of Birmingham," and by this name may sue and be sued, receive and grant, and do all other acts, as natural persons, in respect to the powers herein granted; may purchase and hold real, personal and mixed property, and dispose of the same for the benefit of said city, and may have and use a city seal, which may be altered or changed at pleasure. Style of corporation.

SEC. 2. *Be it further enacted*, That the corporate limits of said city of Birmingham shall embrace all the territory lying between ninth avenue, north, and seventh avenue, south, and twenty-seventh street and thirteenth street, including said avenues and streets as laid off and designated in the plan of said city; *Provided*, That no spirituous, malt or intoxicating liquors shall be sold or given away between the western boundary of said city and the eastern boundary line of the town of Elyton; *And provided further*, That the said corporate authorities of the city of Birmingham shall have police jurisdiction of the said territory between said city and the town of Elyton; and any person violating the above provisions shall be guilty of a misdemeanor. The said city is hereby divided into four wards, as follows: The first ward shall include all that part of the city between the western limits of the city and eighteenth street; the second ward shall include all that part of the city between eighteenth street and twentieth street; the third ward all that portion lying between twentieth street and twenty-second street; the fourth ward all that portion lying between twenty-second street and the eastern limits of said city; which said wards may be altered or changed, as said corporate authorities may see fit. Sale of liquor prohibited.

SEC. 3. *Be it further enacted*, That the government of said city shall consist of, and its corporate powers be exercised by, a mayor and eight aldermen (two aldermen for each ward), who are residents of the wards, who Wards.

Elections.

shall be elected as herein provided on the first Tuesday in December, 1882, and biennially, on the first Tuesday in December thereafter, by ballot, by the male inhabitants of said city of and over the age of twenty-one years, who have resided in said city for six months, and in the State for twelve months, and in the ward for 30 days next preceding said election, and are qualified electors under the general election laws of the State, and are registered as herein provided; that should the election not take place on the day fixed for the biennial election of mayor and aldermen, the corporation shall not for that cause be dissolved, but the incumbents shall remain in office till their successors shall be elected and qualified. And it shall be the duty of the mayor and aldermen to fix some day, as early as convenient, within one month thereafter, on which day the said election shall be held; and should the mayor and aldermen fail or neglect to provide for the election biennially they shall be guilty of a misdemeanor.

Qualifications
of electors.

SEC. 4. *Be it further enacted*, That said elections shall be conducted according to the law governing elections for officers under the laws of this State, except as declared in this act; but no person shall be entitled to vote at said elections in said city unless he possesses the qualifications mentioned in the seventh article of the constitution of this State, and shall have resided in said city six months and the ward of said city in which he proposes to vote one month, and shall have caused himself to be registered in the ward of his residence in the manner hereinafter provided, and shall have produced and surrendered to the inspectors of election, at the polling place of said ward, the certificate of such registration hereinafter provided.

Conducting
elections.

SEC. 5. *Be it further enacted*, That at said elections there shall be at least one polling place, and such other polling places as the board may appoint in said city; that it shall be the duty of the clerk of the city council and mayor of said city to provide for the opening of said polls, and to give ten days notice by publication in two newspapers of said city, representing different political parties, if such exist, of the time of holding said election, of the polling place or places and names of the inspectors of election of each polling place. The said mayor and the city council of Birmingham shall appoint

the said inspectors, who shall also perform the duty of returning officers. The number of said inspectors so appointed shall be three for each polling place in said city, one of whom shall be a member of each political party, if possible, and said inspectors shall be residents of said city and qualified electors of the same.

Sec. 6. *Be it further enacted*, That at least twenty days before the first Tuesday in December next preceding each election, it shall be the duty of the mayor and aldermen of said city to appoint two or more persons of said city to act as registrars of voters; said registrars shall commence registration on the second Tuesday in November next preceding each election, and shall continue the same till within seven days of said election, at which time said registration shall be closed; said registrars shall give at least five days notice, by advertisement in two newspapers published in said city, one of each political party, if practicable, of their appointment and of the time when and place at which they will attend and make registration of voters, as hereinafter required. Before registration is made of any applicant therefor, said registrars must be satisfied by personal knowledge, or sufficient evidence, that such applicant has resided at least six months in said city and thirty days in the ward of said city in which he proposes to register and vote, and that he will be legally entitled to vote at the then next ensuing elections for said municipal officers of said city, according to the requirements of the 4th section of this act; and said registrar being so satisfied must thereupon place the name of such applicant upon the registration list, together with the place of his residence, describing the same by street and number of his house, or such other description as may be easily intelligible. The names of parties registering shall be placed upon said list alphabetically, and be numbered in the order of registration, and said registrars must furnish each person so registered a certificate of his registration, giving his name, age, place of residence and the number of his registration. That right of any person to be registered as voter may be challenged in the same manner as is hereinafter provided for the challenging of any person who may claim the right to vote at any municipal election of said city; and in case the said registrars

Registration.

are in doubt, and cannot agree upon any matter pertaining to their duties as registrars under this act, then said registrars shall take the advice upon such matters of some competent practicing attorney at law in said city, to be selected by them. Said registrars shall carefully preserve the original registration list of each ward and cause a correct copy thereof to be made, and certify said original and copy over their signature, and immediately after the closing of the registration list, shall deliver both said original and copy to the mayor of the said city.

Oath of registrars.

SEC. 7. *Be it further enacted*, That before entering upon the discharge of their said duties, said registrars shall each make and subscribe an affidavit, before some officer authorized to take affidavits, that they will faithfully and truly perform the duties by the act imposed on them and that they will honestly, without favor, fear or affection, and without reward or hope thereof, cause registration to be made of all persons who may personally apply therefor, and show that they are legally entitled to vote at the next ensuing election, and of no other person. Said affidavit shall be filed by said registrars in the office of the clerk of the city council. For every willful violation of their duty as such registrars, they shall, on conviction, pay a fine of two hundred dollars for the use of the city of Birmingham.

Registration lists.

SEC. 8. *Be it further enacted*, That the mayor of said city shall cause at least fifty carefully corrected copies of the registration list of the city to be printed, and shall furnish to each of the inspectors of election one printed copy of the registration list, to be used at such election. One of these printed copies shall be designated, and used by said inspectors, as the official copy, and shall be by them returned with the ballots cast at such election, as part of their official return, as herein directed. It shall be the duty of said mayor, at least one day before said election, to post at the courthouse in said city, one copy of the registration list; the original of said list, and the certified manuscript copies, as received from the registrars, shall, after the said printed lists have been prepared, be by the mayor deposited with the clerk of the city council of said city, to be preserved among its records.

SEC. 9. *Be it further enacted*, That the inspectors of

election shall not receive at said election the vote or ballot of any person whose name does not appear on the registration list, as furnished by the mayor, and who does not, at the time of voting, present and surrender to the inspectors of election his certificate of registration issued to him under the provisions of section 5 of this act, to be, by said inspectors, then and there cancelled, and does not, on demand, make satisfactory proof of his identity with the person whose name may be on the said registration list. For the purpose of such election, the printed lists furnished to the inspectors by the mayor, and hereinbefore described as the official lists, shall be taken to be correct, but subject, if error be alleged, to be corrected by comparison with the original registration list for the ward, which, for that purpose, shall be in custody of the inspectors at the time and place of such election. Upon the receipt of any vote by the inspectors, they shall forthwith draw a line with ink on the said official registration list over the name voted. The said inspectors shall, immediately after the polls are closed, proceed to count the ballots and compare them with the poll lists, at their respective polls, and certify the result of the election, at their polling place, to the mayor and aldermen of said city. They shall inclose the ballots cast in their respective boxes, with the poll list and registration list of the city, and the certificates of registration surrendered at the election, together with their said certificates of the result, in the box in which is placed the ballots received at such election, and after carefully sealing the same, deliver said box, with its contents to the mayor of said city, who shall give to said inspectors his receipt for said box, stating in said receipt the condition of said box when received by him.

SEC. 10. *Be it further enacted*, That the said mayor and aldermen of said city, or a majority of them, shall, immediately after the delivery of the boxes, poll list, and inspectors' certificates of the respective polling places as hereinbefore required, to said mayor, proceed to open the said boxes, and by a correct of the votes and a comparison thereof with the poll list, registration list, and the returns of the inspectors at the several polls, verify and, if necessary, count the said returns, and declare the election to their respective offices of

Duties of inspectors.

Declaration and certificate of elections.

the persons who shall have received the largest number of legal votes for the respective offices to be filled at said election, and shall give certificates of election to their respective offices to the persons so found to be elected. The said certificates of election so issued by the said mayor and aldermen, or a majority of them, shall entitle the persons so certified to the possession of their respective offices, immediately upon the expiration of the term of office of their predecessors as fixed by statutes; subject, however, to contestation of their rights, as is now, or may be provided, by acts of the General Assembly for judge of probate.

Challenges.

SEC. 11. *Be it further enacted*, That any person offering to vote at any municipal election in the city of Birmingham, may be challenged by either of the inspectors, or by any qualified elector, and it is the duty of each inspector to challenge any person offering to vote whom he knows, or suspects, not to be qualified under this act, as an elector. When any person is challenged, if his ballot is not withdrawn, one of the inspectors must tender him the following oath: "You do swear that you will fully answer all such questions as may be put to you touching your qualifications as an elector." The inspectors, or one of them, must then examine him as to his qualifications under this act. When a vote is so challenged the same must be counted by the inspectors, but such vote must also be deposited in a separate box, and so designated to the board as a contested vote.

Penalty for illegal voting or registering.

SEC. 12. *Be it further enacted*, That any person who falsely personates another, and thereby casts a vote to which he is not entitled, or thereby obtains registration as a voter to which he is not entitled, or attempts by such false personation of another, to obtain such registration, or after having once voted at such election, vote a second time, or attempts to vote a second time, whether in the same ward, or another, or shall falsely cause his name to be registered as a person entitled to vote, when he is not entitled, or shall falsely attempt to do so, or after having once obtained registration in any ward, shall cause himself to be registered a second time, or attempts to obtain a second registration, whether in the same or another name, or whether in the same or another ward, or shall aid or assist another not enti-

tled, knowing him not to be entitled to vote or obtain registration as a voter, shall be guilty of a felony, and, on conviction, shall be punished by imprisonment in the penitentiary or hard labor for the county for the space of not less than six months nor more than one year.

SEC. 13. *Be it further enacted*, That no person shall hold the office of mayor or alderman of said city who has not resided therein, one year next preceding the election; and the alderman must be a resident of the ward, and a qualified voter therein, for which he is elected at the time of his election. Qualification
of mayor and
aldermen.

SEC. 14. *Be it further enacted*, That the ballots cast at any election held under this act shall, after counting the same, be sealed up by the mayor and aldermen of said election, and deposited with the clerk of the circuit court of Jefferson county, Alabama, who shall preserve the same for twenty days after the election is declared; then, if there is no contest, the said clerk shall destroy the same, but in the event of a contest, the same shall be delivered to the judge trying the same. Ballots deposited with circuit clerk.

SEC. 15. *Be it further enacted*, That any election held under this act may be contested in the same manner as is or may be provided for by the laws of this State, for the contest of the election of judge of probate, and shall, so far as applicable, apply to the contests of elections held under this act. Contests.

SEC. 16. *Be it further enacted*, That a majority of the board shall be required to transact any corporate business, but any number, not less than three, may assemble at their regular place of meeting, and adjourn from day to day, and compel the attendance of absent members in such manner and under such penalties as the board may prescribe. That the board may determine the rules of its proceedings, may fine its members for absence or disorderly behavior. In the absence of the mayor at any meeting of the board, the members present may select a presiding officer, and in case of the sickness or temporary absence of the Mayor from the city, he may appoint any one of the aldermen to act as mayor during such sickness or absence, and such mayor *pro tempore* shall have all the powers of

the mayor and shall perform all the duties of the same.

Meetings of
board.

SEC. 17. *Be it further enacted*, That it shall be the duty of the mayor to preside and keep order at the meetings of the board; he shall call special meetings of the board whenever, in his opinion, the interest of the city may require it; he shall keep an office in said city, and hear and determine all cases of violation of all by-laws, or ordinances, or charter of said city, and punish the offenders in such manner as the board may direct; and shall receive such fees and salary as may be prescribed by the board; that the mayor shall possess, within the corporate limits of said city, all the power and jurisdiction of a justice of the peace, in both civil and in criminal cases, and shall be subject to all the corresponding duties and liability of a justice of the peace; and from any judgment or decision of said mayor, as such, an appeal may be taken by the defendant to the next term of the circuit court of Jefferson county, upon defendant's entering into bond payable to the mayor and aldermen, with two good securities, for such sum as they may require, not less than twice the amount of the fine and costs, conditioned to prosecute such appeal to effect, and to pay and discharge such judgment as the circuit court may render; *Provided*, That such appeal be taken and fully perfected within five days from the rendition of such judgment of the mayor. The said appeal, when so taken, shall stand for trial at the first term of the circuit court of Jefferson county, and shall be then tried and determined, unless

Powers and
jurisdiction of
mayor.

some good cause is shown for a continuance. The mayor shall have jurisdiction of all proceedings by motion, *scire facias*, or other writ instituted for the collection of any penal bond payable to said mayor or the mayor and aldermen, taken under this act or under the ordinances of said city passed in pursuance of this act, and from his judgment, rendered in such proceeding, execution thereon may issue and be enforced as executions from justices' court. The said mayor shall have the right, when the good or safety of the city may require it, to call upon or require the aid of the sheriff of Jefferson county, and may also require the aid and support of volunteer or militia companies in said city, for the protection of said city; he may punish any contempt while

holding his court, by fine not exceeding twenty-five dollars, or by imprisonment for not longer than ten days; he shall, at least once in every six months, make a statement to the board in writing of the financial condition of the city, which said statement shall be published in at least one of the papers published in the city; he shall have power to suspend the marshal or any policeman till the next meeting of the board, and report to said meeting the fact of such suspension, and the cause thereof; he shall do and perform such other and further duties as the board may require.

SEC. 18. *Be it further enacted*, That the board may appoint a city marshal, clerk and treasurer of said city, and such other officers as they may see fit and think necessary for the good government of said city, and to carry out the powers herein granted, and may prescribe the duties of such officers and liabilities and powers, and may require them to give bond, in such sum as they see fit, for the faithful discharge of their duties, and may remove and discharge such officers at pleasure, and fix the salaries of the same. For any breach of the bond of such officers suit may be brought and a recovery had in the circuit court of Jefferson county, or before any court having jurisdiction; and such suits shall be governed in the same manner as other like suits. The city shall keep a regular record of all proceedings, orders, regulations and ordinances of the board, which shall be read to the board and signed by the mayor, or acting mayor, and the same shall have the force and effect of a record, and a copy thereof, certified by the clerk, shall be *prima facie* evidence in any court of record, or elsewhere; and said records shall, at all times, be open for inspection.

SEC. 19. *Be it further enacted*, That the marshal shall have, in said city, all the powers of a constable under the laws of the State, and be entitled to all the fees of such constable; he shall possess, within the limits of said city, all the powers of a peace officer; he shall execute the orders, notices and processes of the board, or of the mayor, and shall have power, if the board so ordains, to make arrests either with or without a warrant; he shall perform such other duties as the board may prescribe.

SEC. 20. *Be it further enacted*, That the said mayor and aldermen shall have full and complete power—

By-laws.

1. To make, adopt and declare by-laws or ordinances, in whatever manner and upon whatever subject, to carry out the powers herein granted, and for the good government and order of said city, as they may think proper, and to affix thereto such penalties for a violation of the same by fine, not exceeding one hundred dollars, and by imprisonment or hard labor for the city not exceeding thirty; days and all persons convicted for breach of any by-laws or ordinances, failing to pay or secure such fine, may be imprisoned for such failure or placed to hard labor for the city until such fine and cost are paid in such manner as the board may direct, not longer than thirty days.

Ordinances.

2. To pass all laws and ordinances necessary and proper to prevent contagious and infectious diseases from being introduced into said city, and to preserve the health thereof; to establish and regulate a board of health; to establish and regulate an effective quarantine within said city and within ten miles thereof, and to punish any breach of quarantine laws.

3. To prevent and remove all nuisances, at the expense of the person causing the same, or upon whose premises the same may be found.

4. To establish, set up, and regulate hospitals and poor-houses, work-houses, and houses of correction.

5. To license, tax, regulate or restrain theatrical or other amusements; the selling, retailing or giving away vinous, malt or intoxicating liquors.

6. To restrain or prohibit gaming houses, houses of ill fame, disorderly conduct, breaches of the peace, riots, and all unlawful assemblies and public indecencies.

7. To appoint and regulate night and day watchmen, police patrol, and captains thereof.

8. To divide the city into wards, and to regulate and change the same.

9. To establish, regulate and control markets, market houses, and to pass by-laws for the sale of meats, vegetables or other like articles, within certain places, and within certain hours.

10. To sink, repair and regulate public wells and cisterns; to establish and regulate fire plugs and public hydrants, and to make all needful provisions for the supply of the city with water, gas and gaslights, and to control street lamps.

11. To establish streets, avenues and alleys, pavements, sidewalks and curbing them, and grades thereof, and to regulate the same.

12. To establish and build drains, sewers, aqueducts and reservoirs, and to regulate the same; and to pass all laws and ordinances to compel the owners of lots or real property to ditch and drain the same, at the expense of the owner, and to punish any refusal or neglect of such owner or person in charge of said lot or property by fine and imprisonment, or both.

13. To establish and lay out public parks, and regulate the same.

14. To establish, regulate, or change fire limits within said city, and to pass all laws necessary for the protection of said city against fire; and for this purpose may remove any wooden building or structure, paying the owner therefor a reasonable price.

15. To lay out, regulate and control city cemetery and burial grounds, and to sell burial lots in the same.

16. To prevent the running at large upon the streets all cows, hogs, dogs, or other animals, and to pass all laws, in the judgment of the board necessary, for the sale and impounding of said stock.

17. To establish, regulate and control free white public schools in said city, and to pay the teachers thereof; *Provided*, That not more than one-tenth of the gross revenues of said city may be so expended.

18. To regulate and control the running of cars or locomotives upon or across the streets, avenues or alleys of said city, and to regulate and control the speed of such cars, engines or trains, within the corporate limits of said city.

19. To pass all laws necessary and proper for the arrest, with or without warrants, of any person against whom there is a charge made of violating any city or State law, and to confine such person until tried, convicted, or discharged by law.

20. To make and ordain all necessary laws concerning idlers, paupers, disorderly or vicious persons, in correcting and restraining their vicious habits; and all persons convicted of a breach of the by-laws and ordinances of said city, failing to pay such fines and cost that may be imposed by the court trying the same may

be placed at hard labor for the city or imprisoned until such fine and cost are paid.

21. To pass by-laws and ordinances in relation to auctioneers carrying on their business in the streets, and to prohibit or regulate the same.

22. To punish all persons who in any manner obstruct the marshal, deputy marshal, or any policeman, or other officer in the arrest of any person in said city, or in the lawful discharge of any of their duties in said city, and for the punishment of any or all persons who, when called upon to aid in the arrest of any person, shall fail to give such aid or assistance.

23. The said board shall have power to pass and establish inspection laws within the city; the weighing and measuring of all kinds of produce or provisions for man or beast; to provide for the inspection and gauging of liquors.

24. To regulate and control the manner of building partition walls and partition fences; and to regulate the keeping and storage of gun powder or other dangerous material within said city; to regulate and control the sweeping of chimneys, the use of lights, stove pipes and flues, in all shops, stores, kitchens and other places.

Licenses.

25. The said board shall have power to pass by-laws and ordinances for the grading and paving of any sidewalk in said city, by the respective owners of the real estate fronting thereon, and to enforce obedience of such ordinances by such fines and forfeitures and punishment as they may provide, to be assessed and collected as other fines and forfeitures; to license such business as are now licensed by the State, and to impose and collect the licenses, not to exceed the following amount, viz: Auctioneers (resident), \$10; auctioneers (non-resident), \$25; barber shops, each, \$5; banks and bank agents, and dealers in exchange, \$25; commission merchants and brokers, whether by sample or otherwise, each, \$25; lawyers, doctors, and dentists, who have practiced for three years, each, \$10; druggists and apothecaries, each, \$10; express companies, each, \$25; hotels, each, \$25; restaurants, \$10; butchers, \$10; life, accident and fire insurance agents, for each company represented, \$10; livery and sale stables, \$10; itinerant traders, either by sample or otherwise, \$10; dealers in fish and oysters, \$5; transient physicians and venders

of patent medicine, \$25; undertakers, \$10; keeping studs or jacks, \$5; commercial telegraph companies, \$25; carts, drays, wagons, hacks, coaches, omnibuses, \$10 each; to assess, levy, and collect against general dealers in merchandise, resident of said city, a tax of one-half of one per centum on the first of January each year; to assess, levy, and collect, against general dealers in merchandise who are transient, a tax of one-half of one per centum on the largest amount of merchandise on hand at any one time during the time he engages in business; *Provided*, That the tax above provided for shall be in lieu of the *ad valorem* tax of one-half of one per centum hereinafter authorized to be imposed on such merchandise; to assess, levy, and collect taxes on all property in said city for each year, not exceeding one-half of one per centum on the true value thereof; and for the payment of debts against said city, existing at the time of the ratification of the constitution of Alabama of 1875, and the interest thereon, an additional rate of one per centum may be issued, levied and collected, to be applied exclusively to such past indebtedness, the assessment to be made by the clerk of the board from the State and county assessment books as assessed for State taxes for the preceding year; and it shall be the duty of said board to associate with the county tax assessor two good and discreet citizens of the city, who shall assist the said county assessor in assessing the property in said city.

SEC. 21. *Be it further enacted*, That the said board may cause an assessment of taxes to be made in each and every year, by some proper and fit person or persons, the assessment naming the person liable to such taxes, when known, and specifying the property, when the owner is not known; which assessment shall be returned to the mayor and laid before the mayor and aldermen, and the mayor shall cause at least ten days public notice that such assessment has been made, and the time when the mayor and aldermen will proceed to hear and determine upon all complaints which may be made against such assessment; and it shall be their duty to correct errors and supply omissions, and when the same has been passed upon by said board, the said assessment shall have the force and effect of a judgment and execution, and may be collected by levy and

Tax sales.

sale of property on giving such notice as is required by law on executions from the circuit court. The city council of Birmingham shall have a prior lien upon all real estate assessed for taxes over and above all other liens that may exist thereupon except those of the State; and upon all sales made under and by virtue of such assessment the tax collector of said city shall by deed convey to the purchaser at such sale or sales a title, superior in the order of priority of liens, to that of any liens then existing, save those of the State; *Provided*, That when a tax is assessed upon property, the owners of which are not known, ninety days notice of the sale, specifying the property and the amount of the tax, shall be given in some newspaper in said city before the sale; *And provided further*, That the duties in this section above required of the mayor and aldermen, except as to giving notice and issuing process, may be devolved upon a board of assessors, and the assessment approved by them shall have the same force and effect as if approved by the mayor and aldermen; and no sale of real estate for the payment of taxes assessed against it shall be invalid on account of the same having been assessed as belonging to any other person than the owner, or as the property of an unknown owner, or on account of any informality or irregularity whatever in any of the proceedings for its assessment and sale, unless the person impeaching such sale shall show that the taxes so assessed on such property, and all the penalties and costs accruing on such assessment, and the proceedings for sale, were paid at the time of said sale.

Redemption.

SEC. 22. *Be it further enacted*, That the said board is hereby authorized and empowered to pass laws for the sale of the real estate in said city for taxes, whether the said real estate belongs to resident or non-resident owners, or to persons unknown, and to authorize the sale of any one lot or subdivision of lot, or so much thereof as may be necessary to pay the taxes due, and that the owner, or any one for him, or any mortgagee, or person having a lien, be allowed to redeem at any time within two years from the sale, on paying the purchaser, or the city treasurer for him, double the amount of the taxes, costs and expenses of sale paid by the purchaser, and ten dollars for the expenses of

re-conveyance, and legal interest on the amount paid at such sale from the date of sale to the day of redemption; any surplus arising from said sale to be paid into the city treasury, to be kept by that officer for the owner upon the responsibility of his bond. Interest shall be collected on all taxes assessed from the first day of———next after the assessment, if not paid by that day; and that when any lot or part of lot has been assessed to an unknown owner, the assessment shall be *prima facie* evidence of the fact, and that the board may, by its agent, purchase real estate sold for the taxes; and in such event, the deed for the same shall be made to the mayor of said city, to be held by him for said city, which may be redeemed as other lands sold for taxes as aforesaid, and when so redeemed, the mayor shall re-convey to the owner at the owner's expense as aforesaid.

SEC. 23. *Be it further enacted*, That the mayor and aldermen of said city be, and they are, hereby authorized and required to establish a sinking fund, to provide for the payment of the interest on any bonds which may be now outstanding, or which may hereafter be issued by law, and for the redemption and payment of such bonds at maturity; and they shall appropriate to said fund not exceeding twenty-five per cent. of the revenues received on account of licenses and tax on all property within said city; and they shall require of all persons paying taxes or licenses at least twenty-five per cent. thereof in currency, or so much thereof as may be required, or the board may see fit; and the mayor and aldermen shall have power to collect all taxes of said city, and all fines imposed for violation of any city ordinance, by execution, levy or sale, and for the operation of such execution, no property of any citizen of said city, or other person, shall be exempt; *Provided*, That this mode of collection shall not prevent the collection of such in any other manner herein provided.

Sinking fund.

SEC. 24. *Be it further enacted*, That said board shall have authority to require all male inhabitants of said city, who have resided therein (10) ten days, and who are between the ages of eighteen and fifty years, to work upon the streets of said city for at least five days in each year, under the direction of such officer as the board may appoint; *Provided*, That any person so required to

Streets.

work may relieve himself from so working by paying into the city treasury a sum not more than (\$5.00) five dollars; *Provided further*, That the inhabitants of said city shall be exempt from working on roads or highways outside the limits of said city.

Dealing in
claims.

SEC. 25. *Be it further enacted*, That it shall be unlawful for any officer of said city, either directly or indirectly, by himself or by his agent, to purchase, deal in, or traffic in any manner in a claim, debt, warrant or script; and such persons found so dealing shall be guilty of misdemeanor, and shall be punished by fine not less than ten nor more than one hundred dollars; but nothing herein shall prevent any officer or agent, as he may have had on hand at the passage of this act, receiving in good faith and disposing of any claim he may receive from the city in payment of any debt due him from the city.

Prisoners.

SEC. 26. *Be it further enacted*, That whenever any person is in the custody of the city authorities, before conviction of a violation of a city ordinance, or after conviction of the mayor for such violation, and is held by said city, in performing or carrying out any sentence of the mayor, and such prisoner has violated any State law, and is charged therewith, such prisoner shall be held by said city authorities until such time as the sentence of said mayor shall be fully performed and discharged; the said city authorities shall then deliver such prisoner to the sheriff of Jefferson county; and such city officer, in the event of the escape of such prisoner during the time he so holds the said prisoner, shall be liable for such escape, and shall be punished as is now or may be hereafter prescribed by the State law for an escape.

SEC. 27. *Be it further enacted*, That the board may pass all necessary and needful laws to compel persons to work upon the streets, or elsewhere, who refuse to work when being under the sentence of the mayor for a violation of any city ordinance.

Prisoners may
be confined in
county jail.

SEC. 28. *Be it further enacted*, That when a person or persons ordered to be imprisoned for a violation of any city ordinance, either before or after conviction, such person or persons may be confined in the county jail of Jefferson county, until the board may establish a separate city prison, and the jailor or sheriff of Jef-

Person county is hereby required to safely keep such prisoner until discharged by order of the said city authorities, receiving therefor his usual fees, not exceeding thirty cents per day; and so soon as a separate city prison is established, such prisoners must be confined in such city prison.

SEC. 29. *Be it further enacted*, That the present charter of the city of Birmingham, and all laws and parts of laws in conflict with the provisions of this act, be, and the same are, hereby repealed; *Provided*, That no prosecution, suit or claim whatever, pending or to be brought under existing laws, shall in any manner be affected, impaired or altered by the passage of this act; and all existing by-laws and ordinances of the city of Birmingham, adopted in pursuance of law, shall be and remain in force until repealed or modified by the mayor and aldermen of Birmingham, and all the powers granted by this act shall, and must, be liberally construed in favor of the power of the city to pass such laws.

Repealing
clause.

Approved March 1, 1881.

No. 330.]

AN ACT

[s. 378.

To establish the North Warrior Agricultural District; to provide for securing the same, and for the management of its affairs.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That there shall be established in the county of Tuskaloosa a district to be called "The North Warrior Agricultural District," to be bounded as follows: Commencing at the intersection of the Warrior river and the western boundary of the town of Northport, running along the western boundary of said town to the Columbus road; or commencing at some other point on the northern bank of said Warrior river west of said western boundary of the town of Northport, such as may be selected by the directors hereinafter named (with the consent of the owner of the land selected), and running thence to the Columbus road, along such line as may be selected by said directors

Name and
boundaries of
district.

(with the consent of the owner), thence west along the Columbus road to where the road turning to the left beyond the Rice place turns off to the southwest from said Columbus road; thence along said road, turning southwest to Big creek, or to near Big creek; thence to the Warrior river at or near the mouth of Big creek, such as may be selected by said directors (with the consent of the owners of the land selected); thence along the northern bank of said river to the beginning.

Elections.

SEC. 2. *Be it further enacted*, That an election shall be held at some convenient place in the city of Tuscaloosa, on the first Monday in July next, and at the same time in each succeeding year, to commence at twelve o'clock noon, and close at four o'clock in the afternoon of the same day, for five commissioners for said district, who shall hold their offices for one year and until their successors are duly qualified; which election shall be held by any three of said commissioners, having first given notice of time and place of said election in one of the county papers at least ten days before hand.

Commissioners.

SEC. 3. *Be it further enacted*, That until the first annual election is held, Wm. Hester, Chas. F. Rice, Zimri Shirley, A. C. Hargrove, and J. R. Kennedy, all owning land in said district, are appointed and empowered to act as commissioners.

Vacancies.

SEC. 4. *Be it further enacted*, That in the event of any vacancy in the said board of commissioners by the death, resignation, refusal to act, removal, or sale of all landed interest, the remaining commissioners, at their regular meeting thereafter, shall have power to fill such vacancy, and such commissioner then so elected shall hold his office until the next annual election thereafter.

SEC. 5. *Be it further enacted*, That all persons who shall be land owners in said district, either in person, or by their accredited agents, shall be entitled to vote at the said annual elections for commissioners.

Boundary fences.

SEC. 6. *Be it further enacted*, That on the boundary line of said district there shall be constructed and erected one good and lawful outside fence, except on that portion of the line bounded by the river, with all such gates, bars and outlets that may be necessary, so that all persons traveling into and out of said district, on the private ways therein, be not impeded or hindered; *Provided*, That on roads leading into or out of

said district, gates may be erected to prevent stock at large from trespassing therein.

SEC. 7. *Be it further enacted*, That the said commissioners shall have the entire control over said fence or inclosure, and the gates, bars, and other outlets thereon; may direct where the said fence shall be located or placed, how it shall be built, and in general superintend and direct all matters relating thereto.

SEC. 8. *Be it further enacted*, That the commis- Special tax.
sioners court of the county of Tuskaloosa shall, at the request of the commissioners of said district, in addition to the taxes for county purposes, levy, and cause to be collected, a tax not to exceed one-half of one per cent. on the taxable value of the land in said district in any one year, which tax shall be assessed by the county assessor and collected by the tax collector of the county, and when so collected shall be paid over by said collector to the commissioners of said district; *Provided*, That said tax collector shall be liable on his official bond for the faithful collection and accounting for said tax when so collected, or as much thereof as he may receive.

SEC. 9. *Be it further enacted*, That said commis- District funds.
sioners shall expend the money collected as aforesaid, or so much of it as shall be necessary, in building and keeping in good repair the fence around said district; in building pounds, and such other expenses as they may deem expedient to incur on or about such enclosure.

SEC. 10. *Be it further enacted*, That within said dis- Stock running at large.
trict no person shall permit his or her stock, of any kind or description, to go at large; and any animal, of any kind or description, found at large, trespassing outside of the land of the person to whom it may belong, on the land of any other person in the district, may be taken up and carried to a pound, and the owner may reclaim the same by the payment of such fees and compensation as the commissioners of the district may, in their rules and regulations, establish, which they are hereby authorized and empowered to do.

SEC. 11. *Be it further enacted*, That said commis- Pounds.
sioners shall establish one or more pounds, at convenient places, for receiving all estrays and stock trespassing or found at large in said district; fix upon such fees and compensation as they may deem proper

for the receiving and keeping such animals; appoint suitable persons to take charge of and keep up said pounds, and adopt such rules and regulations as they may consider necessary for the management and government of the same.

Impounding
animals.

SEC. 12. *Be it further enacted*, That the provisions of this act contained in sections ten and eleven, relating to estray animals and impounding the same, can not be enforced until ten days after a sworn certificate has been filed in the office of the probate judge of said county, and signed by three (3) disinterested parties, appointed by him for that purpose, that they have inspected said outside fence, and the provisions of section six relating thereto have been fully and faithfully complied with.

SEC. 13. *Be it further enacted*, That the said commissioners shall not receive any compensation or pay for their services while employed in the duties of their office, but they shall have power to appoint such superintendents or agents for carrying into effect the provisions of this act as they may deem necessary, and fix their compensation.

SEC. 14. *Be it further enacted*, That the agricultural district provided for by this act shall not be organized unless the owners of a majority in value (to be determined by said directors) of the lands which it embraces desire it, and it shall not continue, if organized, unless a majority in value of the said owners of said lands desire it to so continue.

SEC. 15. *Be it further enacted*, That all laws and parts of laws conflicting with the provisions of this act, so far as said district is concerned, be, and the same are, hereby repealed.

Approved March 1, 1881.

No. 331.]

AN ACT

[H. B. 505.]

To incorporate the Pickensville male and female seminary, in the county of Pickens.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That M. L. Stansel, A. J. Peterson, H. C.

Moorhead, M. F. Cook, J. J. Lee, J. C. H. Jones and J. A. Billups, and their successors in office, be, and the same are, hereby constituted a body corporate, under the name and style of "the trustees of the Pickensville male and female seminary," and shall be capable in law and equity of suing and being sued, of pleading and being impleaded, of holding and owning property, both real and personal, to any amount not exceeding forty thousand dollars, and of selling and conveying the same, and shall have and enjoy all such privileges and powers as are necessary to give full and complete effect to this act, according to its meaning and intent.

Corporate
body.

SEC. 2. *Be it further enacted*, That said trustees shall appoint one of their own body to preside as president, and shall have all power to fill all vacancies that may occur in their body by death, resignation, or otherwise, and shall have power to make all such by-laws for the regulation and government of said seminary as they or a majority of them may deem necessary, and to alter and amend the same at pleasure; *Provided*, Such by-laws are compatible with the constitutions of this State and of the United States; to employ a suitable teacher or teachers, and to make all such contracts and enter into such regulations as may be necessary to keep the said seminary in complete and successful operation.

Powers and duties of trustees

SEC. 3. *Be it further enacted*, That it shall be lawful for the principal of said seminary to grant diplomas and confer degrees, in like manner and to the same extent that other like institutions in this State are by law authorized to do; and may cause to be made a common seal for said seminary, and affix the same to said diplomas or degrees, which shall require only the said seal and the signature of the principal of said seminary, for the time being, to make them valid to all intents as other diplomas and degrees.

Diplomas.

Approved March 1, 1881.

To authorize the judge of probate of Pickens county to make an order allowing the guardian of the children of U. W. Mullins, deceased, to invest funds belonging to his wards in lands in Noxubee county, Mississippi, as directed by the will of their father, and for the management of the same.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the judge of the probate court of Pickens county be, and he is, hereby authorized, on the application of the guardian of the minor heirs of U. W. Mullins, late of Pickens county, deceased, to make such orders and decrees as may be necessary to authorize and empower said guardian to invest so much of the funds in his hands, belonging to said minor heirs, as will be sufficient to pay off the balance of the purchase money due on certain real estate lying and being in Noxubee county, in the State of Mississippi, which was purchased by their father in his life-time.

Duty of probate judge.

SEC. 2. *Be it further enacted*, That on any petition filed in the probate court of Pickens county, under the provisions of the first section of this act, it shall be the duty of said court to set a day for the hearing, not exceeding thirty days from the filing of the same, and to appoint a guardian *ad litem* for said minors, and issue notice to said minors, to be served on such as are over the age of fourteen years, and on the guardian *ad litem* for those under that age, at least ten days before the time set for the hearing of said petition; and on the hearing, if the said probate court is satisfied from oral or written testimony that it will be to the interest of said minors that the funds in the hands of their guardian shall be invested in said real estate, he may make the order set forth in the first section of this act.

SEC. 3. *Be it further enacted*, That on the payment of the balance of said purchase money due on said real estate, by said guardian, he shall take a deed to himself, as such guardian, and hold said lands or real estate in trust for Lizzie Mullins, Henry Mullins, William Mullins and Ada Mullins, minor children of U. W. Mullins, late of Pickens county, deceased, and such of the adult heirs who have an interest in said lands, or

have invested their funds in the payment of the same, which said deed he shall have recorded in the office of the judge of probate of Pickens county, and in the proper office in Noxubee county, Mississippi.

SEC. 4. *Be it further enacted*, That said guardian, or his successor in office, may rent out said lands annually, if permitted by the laws of Mississippi, either publicly or privately, from year to year, until the youngest one of the children of said U. W. Mullins shall become of age, marry or die, and shall pay over to the adult heirs their *pro rata* share of said rent annually; but on the coming of age, marriage or death of the youngest one of said minors, said guardian, or his successor, shall make a deed to said real estate, conveying the same in fee simple to the children of said U. W. Mullins then living, and the decedents of such as have died, to be held by them according to their several interests, and the amounts invested by or for each one of said children.

Approved March 1, 1881.

No. 333.]

AN ACT

[H. B. 986.]

To amend section 12 of "An act to incorporate the town of Eutaw, in Greene county," approved December 26, 1868, so as to authorize the mayor and aldermen of said town to pass an ordinance requiring transient auctioneers to take out a license.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section 12 of "An act to incorporate the town of Eutaw, in Greene county," approved December 26, 1868, be amended so as to read as follows: Section 12. *Be it further enacted*, That the mayor and aldermen of said town be, and they are, hereby fully authorized and empowered to regulate and prescribe the terms upon which any license may be granted, as contained in the ordinances passed by said board, and to pass an ordinance regulating the business of auctioneers in said town, and require all transient auctioneers, or persons selling or offering to sell goods, wares or merchandise of any kind, drugs, medicines or patent medicines,

Section as amended.

to the highest bidder, in said town, to take out a license, which license shall not exceed twenty-five dollars for each day said transient auctioneers shall carry on said business; and any transient auctioneer, or person selling goods, wares and merchandise, drugs, medicines, or patent medicines, brought from any other place outside of the county of Greene, without first obtaining a license therefor, shall, on conviction before the mayor, or any member of the board of aldermen, be fined in a sum not less than twice the amount of said license; and on failing to pay the same and the cost, may be sentenced to hard labor for said town, not exceeding thirty days for said fine and cost.

Approved March 1, 1881.

No. 334.]

AN ACT

[H. B. 886.]

To amend an act entitled "An act to amend the charter of the city of Montgomery, and the various laws heretofore passed amending the said charter," approved March 3, 1870.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That sections fifteen and sixteen of an act entitled "An act to amend the charter of the city of Montgomery, and the various laws heretofore passed amending the said charter," approved March 3, 1870, be amended so as to read as follows: Section 15. *Be it further enacted*, That the said city council may cause an assessment of taxes to be made in each year, by some proper and fit person or persons, the assessment naming the person liable to such taxes, when known, and specifying the property, when the owner is not known, which assessment shall be returned to the mayor, and laid before the mayor and aldermen, and the mayor shall cause at least ten days public notice that such assessment has been made, and the time when the mayor and aldermen will proceed to hear and determine upon all complaints which may be made against such assessment; and it shall be their duty to correct errors and supply omissions, and when the same has been passed upon by said city council, the said assess-

Section 15 as amended.

ment shall have the force and effect of a judgment and execution, and may be collected by levy and sale of property, on giving such notice as is required by law on executions from the circuit court; the city council of Montgomery shall have a prior lien upon all real estate and personal property assessed for taxes, over and above all other liens that may exist thereupon, except those of the State; and upon all sales made under and by virtue of such assessment, the tax collector of said city shall by deed convey to the purchaser or purchasers at such sale or sales a title superior in the order of priority of liens to that of any liens then existing, save those of the State; *Provided*, That when a tax is assessed upon property, the owners of which are not known, ninety days notice of the sale, specifying the property and amount of the tax, shall be given in some newspaper in said city before the sale; *And provided further*, That the duties in this section above required of the mayor and aldermen, except as to giving notice and issuing process, may be devolved upon a board of assessors, and the assessment approved by them shall have the same force and effect as if approved by the mayor and aldermen; and no sale of real estate or personal property, for the payment of taxes assessed against it, shall be invalid on account of the same having been assessed as belonging to any other person or owner, or as the property of an unknown owner, or on account of any informality or irregularity whatever in any of the proceedings for its assessment and sale, unless the person impeaching such shall show that the taxes so assessed on such property, and all the penalties and costs accruing on such assessment, and the proceedings for sale, were paid at the time of said sale. Section 16. *Be it further enacted*, That the said city council is hereby authorized and empowered to pass laws for the sale of the real estate and personal property in said city for taxes, whether the said real estate and personal property belongs to resident or non-resident owners, or to persons unknown, and to authorize the sale of any one lot or subdivision of lot, or so much thereof as may be necessary to pay the taxes due; and that the owner or any one for him, or any mortgagee or person having a lien, be allowed to redeem at any time within two years from the sale, on paying the purchaser or the city treas-

Section 16 as
amended.

urer for him, double the amount of the taxes, costs, and expense of sale paid by the purchaser, and ten dollars for the expenses of re-conveyance, and legal interest on the amount paid at such sale from the date of sale to the redemption; any surplus arising from said sale to be paid into the city treasury, to be kept by that officer for the owner upon the responsibility of his bond; interest shall be collected on all taxes assessed from the first day of December next after the assessment, if not paid by that day, and that when any lot or part of lot or personal property, has been assessed to an unknown owner, the assessment shall be *prima facie* evidence of the fact; and that the city council may, by its agent, purchase real estate and personal property sold for the taxes; and in the event of a sale of real estate for taxes and a purchase thereof by the city, the deed for the same shall be made to the city council of said city, which may be redeemed as other lands sold for taxes as aforesaid, and when so redeemed, the mayor shall re-convey to the owner at the owner's expense as aforesaid.

City council
may appoint re-
corder.

SEC. 2. *Be it further enacted*, That the city council of Montgomery shall have power, whenever they deem it necessary, or proper, to appoint a recorder of said city of Montgomery, whose term of office shall not exceed two years, and whose salary shall not exceed one thousand dollars per annum, and shall be fixed by the city council; such recorder shall be vested with, and may exercise, in said city, and within the police jurisdiction thereof, the power and authority in criminal or *quasi* criminal matters, and the power and authority to hear and determine all cases for breaches of the by-laws or ordinances of said city, which by its charter are vested in the mayor and aldermen of the city of Montgomery; *Provided*, That nothing herein contained shall prevent the exercise by the mayor or aldermen of the power and authority in criminal and *quasi* criminal matters, and in hearing and determining breaches of by-laws and ordinances, which are now vested in them by the charter and laws incorporating said city, whenever the said recorder is disqualified or absent; *And provided further*, That the combined salaries of the mayor and recorder shall not exceed the sum of two thousand dollars per annum; *And provided further*, That the recorder may be removed from office

at any time by a vote of two-thirds of the aldermen composing the city council; *And provided further*, That appeals from the judgments of said recorder shall be taken in the same manner as appeals from judgments of the mayor.

SEC. 3. *Be it further enacted*, That said city council of Montgomery is hereby authorized and empowered to contract with any person or corporation to supply said city and the citizens thereof with electric light, upon such terms as may be agreed upon by said city council, and to enact such by-laws and ordinances as may be necessary to regulate the lighting of said city with light produced from electricity. Electric light.

SEC. 4. *Be it further enacted*, That said city council of Montgomery is hereby authorized and empowered to exempt any narrow gauge railroad company doing business in said city from the payment of a license tax for such length of time, and upon such terms and conditions, as may be agreed upon between such company and said city council. Exemptions of
railroads.

Approved March 1, 1881.

No. 335.]

AN ACT

[H. B. 851.]

To establish a public steam ferry across the Alabama river, near the city of Montgomery.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That J. C. Arthur and W. S. Hearne, partners under name of Arthur and Hearne, be, and they are, hereby authorized to establish a public ferry, to run a steam ferry boat for toll or hire across the Alabama river, near the northern limits of the city of Montgomery, from the lands of W. C. Arthur, on the east or Montgomery side, to the lands of Mrs. Stoddart, on the west or Elmore side of said river.

SEC. 2. *Be it further enacted*, That the rate of toll for passage on said ferry shall be prescribed by the board of revenue of Montgomery county; *And provided*, That before said Arthur and Hearne shall run said ferry boat for hire, they shall execute a bond with

security to Montgomery county, to be approved by the said board of revenue, in condition and amount as now required by section 1680 of the Code of Alabama, and shall further file with said board of revenue the written consent or leave of the land owners on both sides of the river on which the crossing is to be.

SEC. 3. *Be it further enacted*, That the franchises and rights herein granted shall run for a period of ten years; the board of revenue of Montgomery county having the authority to require new bond and security, when, in its judgment, the old one is insufficient to secure the performance of the duties required by section 1680 of the Code of Alabama.

Approved March 1, 1881.

No. 336.]

AN ACT

[H. B. 50.]

To provide for the election of a county treasurer of Mobile county.

Special elec-
tion.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the president and commissioners of revenue of Mobile county be, and are, hereby authorized and required to elect a county treasurer of said county, who must be, at the time of his election, legally competent under the general laws of this State to hold such office. Such election shall be made as soon after the passage of this act as conveniently may be at a regular session of the board of said president and commissioners or revenue, and shall be by ballot, and a majority of the whole number of votes cast shall be necessary to constitute an election. The result of the election shall be announced by the president of the board, and entered on the minutes of the proceedings, and certified to the Secretary of State. The person so elected shall be commissioned and qualified as provided by the general law of this State in relation to county treasurers, and shall hold his office until the general election of State officers to be held in the year 1884, and until his successor is elected and qualified.

SEC. 2. *Be it further enacted*, That at the general State election to be held in the year 1884, a treasurer

of said county shall be elected by the qualified voters of said county, in the manner and for the term provided by the general laws of this State for the election of county treasurers.

SEC. 3. *Be it further enacted*, That a person elected as treasurer of said county must, before entering upon the discharge of the duties of his office, give bond, with at least two securities, in an amount of not less than ten thousand nor more than thirty thousand dollars, to be determined by the court of the president and commissioners of revenue of said county, payable, conditioned and approved as provided by the general law of this State as to bonds of county treasurers. Bond.

SEC. 4. *Be it further enacted*, That the treasurer of Mobile county shall have the powers, perform the duties, and be subject to all the liabilities, prescribed by the general law of this State in relation to county treasurers. Duties.

SEC. 5. *Be it further enacted*, That sections one, two, three, four and nine of an act entitled "An act to change the mode of receiving and disbursing the revenues of Mobile county, and for other purposes," approved February 9, 1852, and all other acts or parts of acts inconsistent with the provisions of this act, be, and the same are, hereby repealed.

Approved March 1, 1881.

No. 337.]

AN ACT

[H. B. 887.

To amend section two of an act entitled "An act to regulate the election of municipal officers in the city of Montgomery," approved March 1st, 1875.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That section two of an act entitled "An act to regulate the election of municipal officers in the city of Montgomery," approved March 1st, 1875, be amended so as to read as follows:

SEC. 2. *Be it further enacted*, That said election shall be held on the first Tuesday in May, 1881, and on said Tuesday in May biennially thereafter; and the polls at such election shall be opened between the Election.

hours of 8 and 9 A. M., and be kept open until 5 P. M. The term of office of the mayor elected under this act shall commence at the expiration of the term of the present incumbent, and shall continue for two years, and until his successor is duly elected and qualified. The term of office of one of said aldermen so elected for each ward shall commence at the expiration of the term of the present incumbent, and shall continue for four years, and until his successor is duly elected and qualified; and the term of office of the other aldermen so elected for each ward shall commence at the expiration of the term of the present incumbent, and shall continue for two years, and until his successor is duly elected and qualified; and biennially thereafter, on the first Monday in May, one aldermen shall be elected from each ward, whose term of office shall commence upon the expiration of the term of office of his predecessor, and shall continue for a term of four years, and until his successor is duly elected and qualified. The ballots cast for mayor and aldermen at said election on the first Tuesday in May, 1881, shall designate which of said Aldermen is elected for the term of four years, and which for the term of two years.

Approved March 1, 1881.

No. 338.]

AN ACT

[H. B. 368.

To form a separate school district out of that part of township seven, range twenty, Coffee county, lying east of Big creek.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That that part of township seven, range twenty, Coffee county, lying east of Big creek, be, and the same hereby is, constituted a school district separate and apart from the remainder of said township, and shall be under the supervision of a township superintendent of public schools as to all matters connected with public schools.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be, and the same hereby are, repealed.

Approved March 1, 1881.

No. 339.]

AN ACT

[H. B. 476.]

To constitute the town of Union Springs a separate school district.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That the corporate limits of the town of Union Springs, Bullock county, Alabama, shall constitute a school district separate and apart from the remaining school districts of the county of Bullock.

SEC. 2. *Be it further enacted,* That the mayor and ^{Board of trustees.} board of councilmen of the town of Union Springs, and their successors in office, shall constitute a board of trustees for the school district, who shall, on the first Monday of April, 1881, hold an election in the district for the purpose of ascertaining the will of the citizens of the district; the vote shall be taken *viva voce*, for or against the school district, and if two-thirds of the voters vote for the district, and a majority of the two-thirds be property holders, then the above board of trustees shall proceed to establish the school district under the regulations hereinafter set forth.

SEC. 3. *Be it further enacted,* That the board of trustees shall have the power to levy a tax on all property, both real and personal, within the bounds of such school district, not to exceed one-half of one per cent., for school purposes, and shall have the right to buy lands for the purpose of building school houses, taking the deeds to themselves and successors. ^{Powers of board.}

SEC. 4. *Be it further enacted,* That said board of ^{Schools.} trustees are authorized to establish and locate the number of public schools to be taught each year within the school district, and elect teachers for the same, whether for males or females, white or colored, and perform all other duties imposed on township superintendents in this State.

SEC. 5. *Be it further enacted,* That the town of Union Springs, as such school district, shall receive its ^{School funds.} proportionate share of the public school revenue, including a *pro rata* share of the sixteenth section fund of each township that lies partly within the corporate limits of said town; and shall also receive all the tax collected as poll tax within the corporate limits of the

town, for the use and maintenance of the public schools therein.

SEC. 6. *Be it further enacted*, That said board of trustees shall have power to elect a superintendent of the public schools of said district, who shall hold his office for the term of two years from October 1, 1881; such superintendent shall, before entering on the duties of the office, take the oath of office prescribed by law for all officers in this State, and shall give bond in such sum as may be fixed by said board of trustees, but not to be less than double the amount of school funds which he may have in his hands at any one time, and conditioned as all other official bonds; such bond shall be approved by the probate judge of the county, and filed in his office, and a certified copy thereof shall be sent to the State Superintendent of Education, to be approved by him also, and filed in his office; such superintendent shall be the custodian of all school funds belonging to his district, and shall disburse and account for the same in like manner as is required of county superintendents of education.

SEC. 7. *Be it further enacted*, That said superintendent of public schools for the town of Union Springs may be removed for cause at any time, either by the board of trustees, or by the State Superintendent of Education, and when removed by either he shall be ineligible to re-election during the term for which he was originally elected; all vacancies in the office of superintendent of said district shall be filled by election by the board of trustees at any regular meeting, and the person so elected shall hold for the unexpired term, and shall qualify and give bond as above required; the said superintendent shall be commissioned by the State Superintendent of Education, and he shall receive such compensation, to be paid out of the municipal treasury, as the board of trustees may fix, not to exceed one hundred dollars; said superintendent shall be required to make full and complete reports to the State Superintendent of Education, and perform such other duties as are required of county superintendents of education.

Approved March 1, 1881.

No. 340.]

AN ACT

[H. B. 598.]

To incorporate the Alabama Baptist Colored Normal and Theological School.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That a school of the highest grade for education be, and the same is, hereby established in Selma, Dallas county, Alabama, to be known as "The Alabama Colored Baptist Normal and Theological School."

SEC. 2. *Be it further enacted*, That Revs. M. Tyler, ^{Corporate board.} W. H. McAlpine, J. A. Foster, A. F. Owens, C. O. Booth, E. Thornton, G. J. Brooks, John Dozier, J. W. White, W. B. Patterson, J. P. Billingley, J. Shorter, A. C. Jackson, T. Glenn and A. Cunningham, and their successors, be, and the same are, hereby constituted a body politic and corporate, by the name and style of "The Alabama Colored Baptist Normal and Theological School," with the right and power of exercising all and singular the privileges and capacities of corporations, to sue and be sued, implead and be impleaded, grant or receive, contract and be contracted with, and do and perform all other and proper and necessary acts and things as natural persons, to purchase and hold lands which have been, or may hereafter be, purchased or other real estate or personal property, for the use and benefit of said school; to have and to use a seal, with such device or devices as they may deem proper, and change the same at pleasure; *Provided*, That in making titles to real property, under order of the board of trustees, the same shall be signed by the president of such board and countersigned by the secretary. ^{Powers of board.}

SEC. 3. *Be it further enacted*, That said body politic and corporate shall have power to elect a board of trustees, consisting of such a number and in such a manner as they may deem proper; and that said board of trustees shall have power to elect from their own body, a president, vice president, and treasurer, and secretary, and such other officers as they may deem proper, and may create and elect an executive committee, with such powers as may be prescribed by said board; and the said board of trustees shall have power to manage and control the business affairs of said school, to elect and prescribe the salaries of the professors and teachers

of said institution, and adopt such rules and by-laws for the government of its members, stockholders and officers as they may deem necessary and proper, and to prescribe the duties of the professors and teachers of said school, and to do and perform all other acts which may be necessary to carry into effect the objects and purposes of said corporation.

Faculty.

SEC. 4. *Be it further enacted*, That the professors and teachers of said school shall constitute the faculty of said institution, and who may instruct in any department of literature, art and theology, grant diplomas, and confer all the degrees of literary distinction used in the highest literary and theological institutions in the United States.

Endowment.

SEC. 5. *Be it further enacted*, That said board of trustees may procure an endowment for said school, or for any chair or chairs therein, the interest of which alone shall be expended, and said endowment fund and interest shall be under the control of the board of trustees; and the board of trustees and faculty of said school shall be members of the Baptist denomination, whose principal State organization is known as "The Colored Missionary Baptist State Convention of Alabama."

Property.

SEC. 6. *Be it further enacted*, That said corporation may hold and possess real and personal property to the amount of fifty thousand dollars, to include that which has already been acquired, and also any gift or inheritance which they may receive as an endowment fund.

Vacancies.

SEC. 7. *Be it further enacted*, That the board of trustees of said school shall have power to fill all vacancies that may occur in said board and in said faculty; and five members of said board of trustees shall constitute a quorum to transact business.

Approved March 1, 1881.

No. 341.]

AN ACT

[H. B. 885.]

To authorize the township superintendent of township four, of range thirteen, in Conecuh county, to sell for cash the sixteenth section lands of said township.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the township superintendent of public schools for township four, range thirteen, Conecuh county, be, and he is, hereby authorized and empowered, if in his judgement it is to the interest of said township, to offer for sale, and sell, for cash, the 16th section lands of said township; *Provided*, That all other requirements of the law in reference to sales of school lands are complied with; it being the intention of this act to relieve the said township superintendent from a compliance with section 983 of the Code of 1876, so far only as relates to sales for cash and credit.

SEC. 2. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act be, and the same are, hereby repealed.

Approved March 1, 1881.

No. 342.]

AN ACT

[H. B. 716.]

To repeal an act entitled "An act to prevent the sale of vinous, or spirituous liquors within one mile of Springville academy, in St. Clair county," approved February 24, 1860.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act entitled "An act to prevent the sale of vinous, or spirituous liquors within one mile of Springville academy, St. Clair county," approved February 24, 1860, be, and the same hereby is, repealed.

Approved March 1, 1881.

No. 343.]

AN ACT

[H. B. 717.]

To repeal section nine of an act entitled "An act to incorporate the town of Springville, in the county of St. Clair," approved April 9, 1873.

SECTION 1. *Be it enacted by the General Assembly of Alabama.* That section nine of an act entitled "An act to incorporate the town of Springville, in the county of St. Clair," approved April 9, 1873, be, and the same is, hereby repealed.

Approved March 1, 1881.

No. 344.]

AN ACT

[H. B. 629.]

To prohibit the sale, or otherwise disposing of, any spirituous, vinous or malt liquors, or any intoxicating bitters, near and in the vicinity of Newburgh, Franklin county, Alabama.

Prohibitory
limits.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That from and after the passage of this act it shall be unlawful for any person or persons to sell, give away, or otherwise dispose of, any spirituous, vinous or malt liquors, or any intoxicating bitters, within the following limits, to-wit: commencing at the northwest corner of Newburgh beat, Franklin county; thence north one mile, into the county of Colbert; thence east, to the Lawrence county line; thence south, along the eastern boundary of the county of Franklin, four miles; thence west, to the Russellville beat; thence north, to the starting point; *Provided,* That this act shall not be so construed as to prohibit the use of the above named liquors in the private residences of private individuals, or their use when prescribed by a regular physician in the regular practice of medicine, or the use of wine for sacramental purposes.

Penalty.

SEC. 2. *Be it further enacted,* That any person or persons violating the provisions of this act shall be fined not less than one nor more than five hundred dollars, and may be imprisoned not less than one nor more than

six months, at the discretion of the court or jury trying the case; *Provided*, That this act shall in no wise affect those who have already taken out licenses for the year 1881, until such licenses expire.

Approved March 1, 1881.

No. 345.]

AN ACT

[s. 356.]

To repeal "An act to repeal chapter seven of title three, part four, and section 3931 of the Revised Code, so far as the same relates to the counties of Dallas, Lee and Autauga," in so far as the same relates to the county of Lee, and to re-establish the county court of Lee county.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That an act entitled "An act to repeal chapter seven, title three of part four, and section three thousand nine hundred and thirty-one of the Revised Code, so far as the same relates to the counties of Dallas, Lee and Autauga," be, and the same is, hereby repealed, in so far as the same applies to the county of Lee.

SEC. 2. *Be it further enacted*, That all the criminal jurisdiction vested by the general law of this State in the several county courts be, and the same is, hereby re-invested in the county court of Lee county.

Approved February 23, 1881.

No. 346.]

AN ACT

[s. 136.]

To incorporate the Gainesville Male Academy.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That E. N. Kring, H. P. Snow, L. T. Porter, Charles Cooker, Thomas K. Jackson, D. H. Williams, T. P. Snedcor, William H. Bush, C. D. Woodruff, and their successors in office, shall be, and are, hereby declared and created a body corporate, under the laws and Constitution of the State of Alabama, by the name and style of the trustees of the Gainesville male academy, and by that name shall be able and capable in law to sue and be sued, plead and be impleaded, and shall have power to borrow money, receive donations and bequests, purchase and sell, and have and hold real estate and other property in perpetuity; *Provided*, That the real estate so held shall not, at any time, exceed the value of twenty-five thousand dollars.

SEC. 2. *Be it further enacted*, That said body corporate, or a majority of the members composing the same, shall have power to pass all such rules, regulations, and by-laws, not inconsistent with the laws and Constitution of the State of Alabama, as they shall deem advisable for the good government and proper regulation of said academy, and shall have power to appoint, annually, a president, secretary, and treasurer, and other necessary officers from the members of said board of trustees, and to fill all vacancies in said offices, and to use a common seal, and the same to alter at pleasure, and to act without seal, under the laws of said State.

SEC. 3. *Be it further enacted*, That when a vacancy occurs in said board of trustees, by death or resignation, the same may be filled by the remaining trustees, or a majority of them.

Approved February 23, 1881.

JOINT MEMORIALS AND RESOLUTIONS.

No. 1.]

JOINT MEMORIAL

[s. 231.

Of the General Assembly of Alabama to the Congress of the United States, praying for a grant of land to aid in the construction of the Tennessee and Warrior Rivers Railroad.

Your memorialist respectfully represents that,

WHEREAS, The General Assembly of Alabama did, on the 14th day of February, A. D. 1872, adopt a joint memorial addressed to the Congress of the United States, praying the passage of an act granting land in aid of the construction of the Tennessee and Warrior Rivers railroad, for the reasons therein set forth; and,

WHEREAS, The General Assembly of said State did, on the 26th day of January, A. D. 1875, adopt a joint memorial directed to said Congress of the United States, praying an appropriation of money for the improvement of the navigation of the Warrior river, between Tuskaloosa and Demopolis, in said State, setting forth in said memorial fully the reasons therefor; and,

WHEREAS, The General Assembly of said State of Alabama did, on the 4th day of March, A. D. 1876, adopt a joint memorial to the Congress of the United States, praying an appropriation of money for the survey of the Sipsey river in said State; all of which said memorials had for their object the opening up, settling, improving, and developing the same portions or sections of said State, and which memorials are fully set forth in the United States Senate miscellaneous documents, No. 55, second session, forty-fifth Congress; and,

WHEREAS, The Tennessee and Warrior Rivers railroad company, a corporation duly chartered and existing by and under the laws of the State of Alabama, has a bill now pending in the Senate of the United States praying a grant of lands in aid of its construction; and,

WHEREAS, Your memorialist, looking upon the said railroad line, and its early completion, as a matter of vast public import-

ance to both the said State and to the country at large, in this, that it will open up to settlement and to the commerce of the world, a section (as set forth in the aforesaid memorial) valuable in mineral deposits, water power, timber and agricultural resources, which is now to the world like a sealed book; and in view of the great importance of this line of railway, and in view of the further fact that the section through which it passes still remains nearly in the same condition as described in said joint memorial, approved March 4, 1876, to which especial attention is called, the said lands still remaining mainly in the hands of the general government; and in view of the further fact, that it seems impossible to open up, or settle any section of country not possessing railroad advantages or facilities, your memorialist, therefore, would respectfully urge upon the Congress of the United States the passage of the bill now pending in the Senate, praying a grant of land to aid in the construction of said Tennessee and Warrior Rivers railroad.

Approved December 8, 1880.

No. 2.]

JOINT RESOLUTION

Allowing Hugh M. King to examine certain records at the capitol.

Resolved by the House, the Senate concurring, That Hugh M. King, of Macon county, is hereby authorized to examine the archives and records in the State offices, for the purpose of obtaining materials for a history of Alabama; but no document or record shall be taken by him from the capitol.

Approved February 12, 1881.

No. 3]

MEMORIAL AND JOINT RESOLUTION

Of the General Assembly of Alabama, to the Congress of the United States.

To the Honorable Senate and House of Representatives of the United States: Your memorialist, The General Assembly of the State of Alabama, respectfully presents that under the general laws of this State, approved December 29, 1868, a charter was soon thereafter granted to a company to build a railroad from Ely-

ton, now in the immediate vicinity of Birmingham, Alabama, to Aberdeen on the Tombigbee river, in Mississippi, the Mississippi legislature granting said company the charter to extend said road to the Mississippi river. The company was organized and still maintains its organization under the style and name of Elyton and Aberdeen railroad company. The line of this railroad, as located, passes across a portion of the State of Alabama, with three distinguished features. 1. The entire absence of any railroad or river communication: about one-fifth of the whole State in this condition. 2. The enormous undeveloped mineral resources, especially coal, and penetrating and crossing the great Warrior coal fields for fifty miles; and the unsurpassed quantities of valuable commercial timber, especially that of yellow pine. 3. The utter inability of the people along the line to furnish any considerable aid in the construction of the railroad. Your memorialist respectfully submits that this is a distinguishing instance in which the general government would add largely to the value of its lands in the several counties through which the road proposes to pass, and confer lasting benefits upon this, and contiguous States, by granting to this railroad company aid, by donating to the same alternate sections of public lands within a limit of fifteen miles on each side of the proposed railroad. Your memorialist respectfully submits, that the lands owned by the government in several counties through which the proposed railroad is to pass, in this State, namely, Jefferson, Walker, Fayette and Lamar, are now almost utterly valueless, and will ever remain so until the building of railroads shall bring them into value, and that in aiding the said railroad company, thereby securing the building of this road, the lands of the government reserved would be worth many times more than are all the lands in the absence of railroad communication and transportation. Your memorialist respectfully submits, further, that in the building of the proposed railroad the great and growing wants of fuel by the government on the Gulf coast, and demand for fuel by the merchant marine of our own and other countries would be largely supplied from these coal fields at prices very much less than is now paid by the consumers. The effect would further follow to cheapen fuel throughout several States, a new impetus would be given to manufacturing industries, opportunities opened for the development of mineral wealth of that region, by the profitable investment of idle capital, thousands of laborers furnished employment; and thousands of immigrants supplied with homes.

Approved February 23, 1881.

JOINT RESOLUTION

Of sympathy for Ireland.

Resolved by the Senate, the House of Representatives concurring, That the General Assembly of Alabama deeply sympathize with Ireland in her earnest struggle for liberty, and with the unfortunate Irish patriots who are now suffering imprisonment for their efforts to repeal the oppressive land laws of Great Britain, hereby concur in the resolutions of sympathy recently adopted by the Congress of the United States.

Resolved further, That the Governor be requested to forward copies of the above resolution to our Senators and Representatives in Congress.

Approved February 22, 1881.

OFFICE SECRETARY OF STATE,)
MONTGOMERY, ALA., April 15, 1881. {

I, W. W. SCREWS, Secretary of State, of Alabama, hereby certify
that the foregoing Acts, Resolutions and Memorials are exact
copies of the originals which are now on file in this office.

W. W. SCREWS,
Secretary of State.

OFFICE SECRETARY OF STATE. }
MONTGOMERY, ALA., April 15, 1881: }

This Act was accidentally omitted in preparing the copy, and was not published in its proper place, and is inserted here.

I certify that the following Act is an exact copy of the original, which is now on file in this office.

W. W. SCREWS,
Secretary of State.

No. 311.]

AN ACT

[H. B. 623.]

To incorporate the Mechanics Steam Fire Company No. 2, of Selma, Alabama.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That A. Walker, C. Heinz, P. R. Barker, E. D. Peterson, J. T. Knowlen, J. D. Fitzgerald, and their associates, are hereby incorporated by the name and style of the Mechanics Steam Fire Company No. 2, of Selma, Alabama, and by said name and style the said company are hereby authorized and empowered to sue and be sued, to plead and be impleaded, to have and hold real and personal property of value not to exceed twenty thousand dollars, to have a common seal and the same to alter and renew at pleasure, and to make such by-laws, rules and regulations for the proper organization and good government of the company as they may deem best, not inconsistent with the constitution or laws of the State of Alabama or the United States, or the provisions of this act; *Provided,* That said company shall not exercise privileges not legitimately belonging to fire companies generally; and the purposes of said incorporation are hereby declared to be municipal, to be exercised in conjunction with the municipal authorities of the city of Selma. Style of corporation.

SEC. 2. *Be it further enacted,* That the said company shall have the power to create such offices and elect such officers, to conduct and manage the affairs of the same, as they may deem proper, to prescribe the mode of electing and appointing officers, to fix the time of elections, to prescribe the duties of all officers and agents of the company, to enact laws to enforce the duties of all officers, agents and members of the company, and to fix and enforce such penalties for the violation of the laws and ordinances of the company as they may deem best; it shall be the duty of the company to meet at stated periods, to be fixed by the laws of the company, to keep a correct registration of all the members of the company in a book to be provided for that purpose; the company shall have power to adopt a constitution prescribing the manner of admitting new members, and of excluding and dismissing from the company any member for insubordination, or for neglect of duty, or for violation of the laws or ordinances of the company, for conduct calculated to disturb the good order and harmony of the company, or to bring reproach upon it. A majority of the members of the company, for the time being, shall constitute a quorum for business. Powers.

SEC. 3. *Be it further enacted,* That said company shall consist of not less than nine nor more than one hundred members.

SEC. 4. *Be it further enacted,* That said company shall be required to keep in good order and condition for use, one fire engine with the apparatus necessary for the prompt and efficient operation of the same. Duties and privileges.

SEC. 5. *Be it further enacted*, That the members of said company shall be exempt, and they are hereby exempted, from militia duty, road and street tax, and jury duty of every kind, so long as they continue to perform the duties of firemen under this act; and that any member of said company who shall have served five consecutive years in said company, without an intermission of more than three months, or who shall have been disabled in the performance of any duty as such, shall be considered an exempt member, and shall be entitled to all the privileges and immunities of an active member as herein provided.

Forfeiture of
charter.

SEC. 6. *Be it further enacted*, That when said company shall habitually neglect the performance of their duties as such, or violate the provisions of this charter, it shall be the duty of the solicitor of the judicial circuit to cause a *scire facias* to issue from the circuit court of Dallas county, or the city court of Selma, calling upon the said company to show cause why their charter should not be declared forfeited, which writ shall be returnable to the circuit court of the county of Dallas, or to the city court of Selma, and if the company shall be found guilty of such charges, the said court in which said proceeding may have been tried and determined, shall declare their charter forfeited.

List of mem-
bers filed in of-
fice of sheriff.

SEC. 7. *Be it further enacted*, That to enable the members of said company to enjoy the privileges and immunities granted to them by this charter, it shall be the duty of their foreman to place in the office of the sheriff of Dallas county, semi-annually, a true list of the members of said company, verified by oath; and it shall be the duty of the sheriff and jury commissioners of said county to prevent the names of any of said members from being placed among those subject to jury duty.

Approved February 28, 1881.

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OFFICERS AND MEMBERS
OF THE
GENERAL ASSEMBLY OF ALABAMA,
SESSION OF 1880-81.

SENATE.

NAME.	POST OFFICE.	COUNTY.
Rather, Jno. D., President.....	Tuscumbia.	Colbert.
Clay, Wm. L., Secretary.....	Huntsville.	Madison.
Shorter, C. C., Assistant Secretary.....	Eufaula.	Barbour.
Howell, Wilson P., Enrolling and Engross. Clerk.....	Oak Level.	Cleburne.
Padgett, W. J. B., Doorkeeper.....	Holly Tree.	Jackson.
Banks, G. R.....	Tallassee.	Macon.
Bowles, S. H.....	Troy.	Pike.
Brooks, L. E.....	Mobile.	Mobile.
Bush, J. W.....	Uniontown.	Perry.
Brown, P.....	Fackler.	Marshall.
Clanton, Jerome.....	Eutaw.	Greene.
Clarke, W. E.....	Demopolis.	Marengo.
Cunningham, J. L.....	Gadsden.	Etowah.
Duncan, P. N.....	Alpine.	Talladega.
Farnham, G. R.....	Evergreen.	Conecuh.
Grant, L. W.....	Jacksonville.	Calhoun.
Hargrove, A. C.....	Tuskaloosa.	Tuskaloosa.
Harrison, Geo. P.....	Opelika.	Lee.
Luckie, J. B.....	Birmingham.	Jefferson.
McCurdy, W. D.....	Lowndesboro.	Lowndes.
Musgrove, W. A.....	Montcalm.	Fayette.
McClellan, T. N.....	Athens.	Limestone.
Mitchell, J. B.....	Seale.	Russell.
Malone, J. H.....	Rehoboth.	Wilcox.
Norman, J. T.....	Union Springs.	Bullock.
Orr, J. C.....	Hartsell.	Blount.
Pate, R. S.....	Roanoke.	Randolph.
Rice, Francisco.....	New Market.	Madison.
Roquemore, Jno. D.....	Eufaula.	Barbour.
Rushing, F. M.....	Elba.	Coffee.
Satterfield, J. R.....	Selma.	Dallas.
Seay, Thomas J.....	Greensboro.	Hale.
Smith, A. G.....	Livingston.	Sumter.
Titecomb, W. Y.....	Monroeville.	Monroe.
Troy, D. S.....	Montgomery.	Montgomery.
Ware, Henry.....	Bladen Springs.	Clarke.

HOUSE.

NAME.	POST OFFICE.	COUNTY.
Dawson, N. H. R., Speaker.....	Selma.	Dallas.
Phelan, Ellis, Clerk.....	Birmingham.	Jefferson.
Garrett, Elmore, Assistant Clerk.....	Goodwater.	Coosa.
Judge, T. J., Enrolling Clerk.....	Greenville.	Butler.
Ford, Wm. S., Engrossing Clerk.....	Notasulga.	Macon.
Hasson, R., Doorkeeper.....	Peekskill.	Calhoun.
Fain, T. J., Assistant Doorkeeper.....	Ozark.	Dalo.
Austill, H.....	Mobile.	Mobile.
Agnew, A. W.....	Providence.	Pickens.
Armstrong, J. T.....	Pine Level.	Bullock.
Avery, A. M.....	Havana.	Hale.
Bankhead, Jno. H.....	Vernon.	Lamar.
Barnett, W. H.....	Indian Branch.	Pike.
Beard, W. B. S.....	Carrollton.	Pickens.
Beck, J. T.....	Camden.	Wilcox.
Betts, E. C.....	Huntsville.	Madison.
Billingslea, W. C.....	Brown's.	Dallas.
Bowdon, S. E.....	Gordon.	Henry.
Bulger, M. J.....	Dadeville.	Tallapoosa.
Bradford, T. H.....	Shiloh.	Marengo.
Brassfield, M. T.....	Forkland.	Greene.
Brewer, Willis.....	Hayneville.	Lowndes.
Brooks, B. C.....	Fairfield.	Covington.
Brooks, A. L.....	Tuskegee.	Macon.
Brown, H. H.....	Northport.	Tuskaloosa.
Brown, E. L.....	Hurtville.	Russell.
Bruce, B.....	Brandon.	DeKalb.
Caffee, R. C.....	Woodstock.	Bibb.
Calhoun, J. F.....	Minter.	Dallas.
Calloway, P. M.....	Newton.	Dale.
Camp, J. C.....	Barnesville.	Marion.
Collier, Wm. A.....	Clanton.	Chilton.
Cooley, M.....	Campbellton Fa.	Geneva.
Cowart, J. F.....	Troy.	Pike.
Cunningham, R. M.....	Newburg.	Franklin.
Clarke, T. C.....	Eutaw.	Greene.
Cleveland, S. B.....	Suggsville.	Clarke.
Davidson, A. C.....	Uniontown.	Perry.
Dement, J. G.....	Athens.	Limestone.
Donoho, M.....	Tuskaloosa.	Tuskaloosa.
Foster, W. F.....	Tuskegee.	Macon.
Floyd, B. F.....	Chulafinne.	Cleburne.
Gilmore, J. N.....	Gaston.	Sumter.
Glover, W. F.....	Butler.	Choctaw.
Grayson, J. W.....	Gurleysville.	Madison.
Hammond, J. D.....	Jacksonville.	Calhoun.
Harris, R. H.....	Opelika.	Lee.
Heacock, J. W.....	Talladega.	Talladega.
Head, J. E.....	Rock Mills.	Randolph.
Hogue, W. F.....	Marion.	Perry.
Johnson, J. L.....	Deatsville.	Autauga.
Johnson, S. H. C.....	Blountsville.	Blount.
Kent, J.....	Oxmoor.	Jefferson.

HOUSE.

NAMES.	POST OFFICE.	COUNTY.
Kirkland, J. C.	Montcalm.	Fayette.
Lane, C. P.	Athens.	Limestone.
Lanier, B. C.	Huntsville.	Madison.
Langdon, C. C.	Mobile.	Mobile.
Lary, W. T.	Coosada.	Elmore.
Long, B. M.	Jasper.	Walker.
Maddox, J. S.	Easonville.	St. Clair.
Martin, E. P.	Mt. Hope.	Lawrence.
Mason, T. J.	Escatawpa.	Washington.
Milner, O. H.	Guntersville.	Marshall.
Morrisette, E. R.	Low'r Peachtree	Wilcox.
McCullough, T.	Pine Level.	Montgomery.
Nelson, W. R.	Selma.	Dallas.
Newman, P. H.	Houston.	Winston.
Newsom, T. W.	Buckeye.	Clay.
Nettles, W. T.	Kempville.	Monroe.
Nolen, R. S.	Nixburg.	Coosa.
Nowlin, J. R.	Gadsden.	Etowah.
Owens, J. J.	Rutledge.	Crenshaw.
Patton, C. H.	Florence.	Lauderdale.
Pickens, A. O.	Courtland.	Lawrence.
Pounds, M.	Fowl River.	Mobile.
Powell, R. H.	Union Springs.	Bullock.
Price, Thomas H.	Mobile.	Mobile.
Ramsay, J. R.	Gainesville.	Sumter.
Renfro, J. M.	Montgomery.	Montgomery.
Robinson, A. J.	Brooklyn.	Conecuh.
Robinson, W. H.	Scottsboro.	Jackson.
Sanders, J. M.	Elba.	Coffee.
Sowell, T. S.	Brewton.	Escambia.
Sheldon, L. B.	Mobile.	Mobile.
Sharit, H. J.	New Castle	Jefferson.
Shields, D. H.	Centre.	Cherokee.
Skeggs, Wm. E.	Somerville.	Morgan.
Slaughter, J. N.	Hackneyville.	Tallapoosa.
Smith, J. H. H.	Stockton.	Baldwin.
Taylor, William.	Talladega.	Talladega.
Tyson, J. R.	Hayneville.	Lowndes.
Thomas, W. C.	Gold Hill.	Chambers.
Underwood N. T.	Tuscumbia.	Colbert.
Vaught, J. H.	Stevenson.	Jackson.
Waller, C. E.	Greensboro.	Hale.
walker, M.	Uniontown.	Marengo.
Walker, H. T.	Montgomery.	Montgomery.
Watts, Thos. H.	Montgomery.	Montgomery.
Wellborn, M. B.	Eufaula.	Barbour.
White, J. M.	Clayton.	Barbour.
Wilson, W. L.	Chapel Hill.	Chambers.
Wilson, Henry	Montevallo.	Shelby.
Wimberly, B.	Georgiana.	Butler.
Wright, N.	Forest Home.	Butler.
Wright, W. W.	Auburn.	Lee.
Wright, J. M.	Seale.	Russell.

INTEREST LAWS IN THE UNITED STATES.

STATES & TERRITORIES	Legal Rate, Per ct.	Rate allowed by contract, Per cent.	PENALTIES FOR USURY.
Alabama.....	8	8	Forfeiture of entire interest.
Arizona.....	10	Any rate.	None.
Arkansas.....	6	10	Forfeiture of principal and interest.
California.....	7	Any rate.	None.
Colorado.....	10	Any rate.	None, except of excess.
Connecticut.....	6	6	Forfeiture of excess.
Dakota.....	7	12	Forfeiture of interest.
Delaware.....	6	6	Forfeiture of principal.
District of Columbia...	6	10	Forfeiture of entire interest.
Florida.....	8	Any rate.	None.
Georgia.....	7	Any rate.	None.
Idaho.....	10	24	Fine of \$100 or imprisonment.
Illinois.....	6	8	Forfeiture of entire interest.
Indiana.....	6	8	Forfeiture of excess of interest.
Iowa.....	6	10	Forfeiture of 10 per cent. on amount.
Kansas.....	7	12	Forfeiture of excess of interest.
Kentucky.....	6	8	Forfeiture of entire interest.
Louisiana.....	5	8	Forfeiture of entire interest.
Maine.....	6	Any rate.	None.
Maryland.....	6	6	Forfeiture of excess of interest.
Massachusetts.....	6	Any rate.	None.
Michigan.....	7	10	None.
Minnesota.....	7	12	Forfeiture of excess over 12 per cent.
Mississippi.....	6	10	Forfeiture of excess of interest.
Missouri.....	6	10	Forfeiture of entire interest.
Montana.....	10	Any rate.	None.
Nebraska.....	7	10	Forfeiture of interest and cost.
Nevada.....	10	Any rate.	None.
New Hampshire.....	6	6	Forfeiture of thrice the excess.
New Jersey.....	6	6	Forfeiture of entire interest.
New Mexico.....	6	12	Forfeiture of entire interest.
New York.....	6	6	Forfeiture of principal and interest.
North Carolina.....	6	8	Forfeiture of entire interest.
Ohio.....	6	8	Forfeiture of excess above 6 per cent.
Oregon.....	10	12	Forfeiture of principal and interest.
Pennsylvania.....	6	6	Forfeiture of excess of interest.
Rhode Island.....	6	Any rate.	None.
South Carolina.....	7	Any rate.	None.
Tennessee.....	6	6	Forfeiture excess of int't and \$100 fine.
Texas.....	8	12	None.
Utah.....	10	Any rate.	None.
Vermont.....	6	6	Forfeiture of excess of interest.
Virginia.....	6	8	Forfeiture of excess over 6 per cent.
Washington Territory.	10	Any rate.	None.
West Virginia.....	6	6	Forfeiture of excess of interest.
Wisconsin.....	7	10	Forfeiture of entire interest.
Wyoming.....	12	Any rate.	None.